

**Plaintiff
Jackie Fisher's**

**Response in Opposition
to Defendants'**

**Motion for
Summary
Judgment**

EXHIBIT

2

Jackie Fisher

RE: Jackie Fisher v. UTMB

Page 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JACKIE FISHER,
Plaintiff

v.

UNIVERSITY OF TEXAS
MEDICAL BRANCH and DAVID
WATSON,
Defendants

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* CIVIL ACTION NO.
* 4:08-CV-01273
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ORAL DEPOSITION OF
JACKIE FISHER
AUGUST 26, 2009

THE ORAL DEPOSITION OF JACKIE FISHER, produced as
a witness at the instance of the Defendants, and duly
sworn, was taken in the above-styled and numbered
cause on August 26, 2009, from 9:59 A.M. to 2:41 P.M.,
before Angelica Rodriguez, Notary Public in and for
the State of Texas, reported by electronic reporting
and transcription, at the offices of Jo Miller, 505 N.
Main, Carriage House, Conroe, Texas 77301 pursuant to
the Federal Rules of Civil Procedure and the
provisions stated in the record or attached hereto.

Jackie Fisher

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<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 Law Office of Jo Miller</p> <p>4 By: Ms. Jo Miller</p> <p>5 505 N. Main</p> <p>6 Carriage House</p> <p>7 Conroe, Texas 77031</p> <p>8 Phone: (936) 539-4400</p> <p>9 FOR THE DEFENDANTS:</p> <p>10 Office of the Attorney General</p> <p>11 General Litigation Division</p> <p>12 By: Sam Lively</p> <p>13 300 West 15th, 11th Floor</p> <p>14 Austin, Texas 78701</p> <p>15 Phone: (512) 463-2120</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 JACKIE FISHER,</p> <p>2 having been duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. SAM LIVELY:</p> <p>5 Q. Would you go ahead and please state your whole</p> <p>6 name for the record, ma'am?</p> <p>7 A. Jacquelyn Lynette Fisher.</p> <p>8 Q. How do you spell Lynette, L-Y?</p> <p>9 A. Lynette, L-Y-N-E-T-T-E.</p> <p>10 Q. Okay. Ms. Fisher, have you ever had your</p> <p>11 deposition taken before?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. I'm sure Ms. Miller has kind of gone over it,</p> <p>14 but I'm going to go over some of the ground rules for</p> <p>15 us. Most of the ground rules are for the benefit of</p> <p>16 the court reporter and a clear record. After we get</p> <p>17 through here today, the court reporter will prepare a</p> <p>18 booklet, a transcript, and it'll be please state your</p> <p>19 name, Jacquelyn Lynette Fisher, Line One, Two and</p> <p>20 Three. In other words, it's a cold-printed record.</p> <p>21 And we don't have the benefit of a lot of nonverbal</p> <p>22 communication that we have sitting face to face. You</p> <p>23 nod your head, you point at things, and it's all</p> <p>24 perfectly clear to us here because we're sitting here.</p> <p>25 But, you look at the record six weeks from now or six</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2 Page</p> <p>3 Stipulations 1</p> <p>4 Appearances 2</p> <p>5 Examination By Mr. Lively 4</p> <p>6 Examination By Ms. Miller 144</p> <p>7 Signature and Changes 145</p> <p>8 Reporter's Certification 147</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 No. Description Page</p> <p>12 1 Plaintiff, Jackie Fisher's Original Complaint and</p> <p>13 Jury Demand 50</p> <p>14 2 Emails between Jacklyn Fisher and Becky Faiello</p> <p>15 dated May 6, 2009 129</p> <p>16 3 Reply to Grievance from Judy Upshaw to Jackie</p> <p>17 Fisher 139</p> <p>18 4 Email from Jackie Fisher to Judy Upshaw dated</p> <p>19 January 16, 2009 140</p> <p>20 5 Grievance filed by Jackie Fisher dated March 16,</p> <p>21 2009 141</p> <p>22 6 Letter from Judy Upshaw addressed to Jackie Fisher</p> <p>23 dated March 10, 2009 142</p> <p>24</p> <p>25</p>	<p>1 months from now a lot of that doesn't show up as</p> <p>2 clearly. So, I've been doing this long enough now that</p> <p>3 I may follow up with the question is that a yes or no</p> <p>4 or you're pointing at your left shoulder or -- and it's</p> <p>5 not that I don't understand you and it's not meant as</p> <p>6 criticism of your answers that you're not doing a good</p> <p>7 job it's just, again, so that when we look at the</p> <p>8 record after everybody's memory of this has kind of</p> <p>9 gone away, we can say, oh that -- she was talking about</p> <p>10 this. Okay?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Also, in day-to-day conversation the mind is</p> <p>13 generally quicker than the mouth. And what that means</p> <p>14 is you will understand a lot of times where my question</p> <p>15 is going before I finish my question, and we do it in</p> <p>16 day-to-day conversation, we override each other.</p> <p>17 You'll answer the question yes or no and -- 'cause</p> <p>18 you'll understand where I was going, and there'll be</p> <p>19 times when my -- I'm already on another question before</p> <p>20 you finish your answer, and we'll try not to lack</p> <p>21 agreement with you to try not to go over each other in</p> <p>22 this case. We do it in day-to-day conversation. If</p> <p>23 you'll watch people, they all the time talk over each</p> <p>24 other, but we do a fine job, but it makes her job</p> <p>25 harder 'cause she can't take two people down at the</p>

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<p style="text-align: right;">Page 6</p> <p>1 same time. Okay?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Also, you're a little soft spoken. I'm going</p> <p>4 to ask you to kind of speak up a little bit for the</p> <p>5 benefit -- 'cause I think she's got an audio -- you've</p> <p>6 got a microphone, but it helps her get an accurate</p> <p>7 transcript. She does it two ways, by her stenographic</p> <p>8 machine, as well as an audio recording so that we get</p> <p>9 an accurate transcript. Okay?</p> <p>10 A. Yes, sir.</p> <p>11 Q. There you go. Also, we do a lot of</p> <p>12 communication with nods of heads or uh-huhs and huh-</p> <p>13 uhs, and I may follow up was that a yes or a no. And</p> <p>14 it wasn't that I didn't understand your question, but</p> <p>15 sometimes those can be confusing later on. Okay?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Also, if at any time you don't understand one</p> <p>18 of my questions, you feel free to tell me, and I'll be</p> <p>19 happy to rephrase it. Okay?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Otherwise, we're going to assume you</p> <p>22 understood the question. Okay?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Also, this is not an endurance contest. We do</p> <p>25 have control over our fate here. If we were in the</p>	<p style="text-align: right;">Page 8</p> <p>1 won't do that, promise.</p> <p>2 BY MR. LIVELY:</p> <p>3 Q. Yes. But, she'll help you with that, all</p> <p>4 right?</p> <p>5 A. Okay.</p> <p>6 Q. Okay. What is your mailing address?</p> <p>7 A. 1150 FM 2296 Road, Huntsville, Texas, 77340.</p> <p>8 Q. And how long have you lived there at -- on the</p> <p>9 Farm-to-Market Road?</p> <p>10 A. Probably about five or six years.</p> <p>11 Q. Do others live with you there?</p> <p>12 A. Yes. I have a spouse and two siblings.</p> <p>13 Q. And what is your spouse's name?</p> <p>14 A. Craig Fisher.</p> <p>15 Q. And what does Mr. Fisher do for a living?</p> <p>16 A. He is a major at the Eastham Unit.</p> <p>17 Q. Okay. So, he works for the --</p> <p>18 A. TDCJ.</p> <p>19 Q. And did you say siblings or kids?</p> <p>20 A. I'm sorry. I'm sorry. I have two kids.</p> <p>21 Q. Okay.</p> <p>22 A. I have siblings, but not living with me.</p> <p>23 Q. Okay. And the two kids, what are their names?</p> <p>24 A. Cameron --</p> <p>25 Q. Cameron.</p>
<p style="text-align: right;">Page 7</p> <p>1 courtroom and you were sitting in the witness box, you</p> <p>2 don't get to leave the witness box until the judge says</p> <p>3 so. We don't get to take breaks until the judge says</p> <p>4 so. But, here, if at any time you want to take a break</p> <p>5 just tell us.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. Go to the bathroom, talk to your</p> <p>8 lawyer, whatever it is, if there's a question pending,</p> <p>9 we may finish that question, but then we'll go ahead</p> <p>10 and take a little break because, again, we do have some</p> <p>11 control in that nature. All right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. You will also have an opportunity to</p> <p>14 review the deposition once it's been prepared and sent</p> <p>15 to you. And don't -- if there's a correction to be</p> <p>16 made, at the back of the deposition it's called a</p> <p>17 Correction Sheet or an Errata Sheet. That's where you</p> <p>18 make corrections. If on Page 25, Line 16, you said</p> <p>19 Main Street and it was really Smith Street --</p> <p>20 MS. JO MILLER: I'll help her with that.</p> <p>21 BY MR. LIVELY:</p> <p>22 Q. Okay. Do it there. Don't write on the</p> <p>23 transcript, but you'll get directions on that because I</p> <p>24 have seen some people when they come in with us --</p> <p>25 MS. JO MILLER: On the original? No, we</p>	<p style="text-align: right;">Page 9</p> <p>1 A. -- and Corey.</p> <p>2 Q. Corey. And what are their ages?</p> <p>3 A. They're 12.</p> <p>4 Q. They're twins?</p> <p>5 A. That's correct.</p> <p>6 Q. Let's talk a little bit about your education.</p> <p>7 Where did you graduate high school?</p> <p>8 A. Alto High School. Alto, A-L-T-O.</p> <p>9 Q. Okay.</p> <p>10 MS. JO MILLER: There you go. That's</p> <p>11 better.</p> <p>12 BY MR. LIVELY:</p> <p>13 Q. Yes. And is that in Huntsville?</p> <p>14 A. It's Alto, Texas.</p> <p>15 Q. And post high school education?</p> <p>16 A. I have an Associate degree in respiratory</p> <p>17 therapy and then an Associate degree in nursing.</p> <p>18 Q. Would the Associate's degree in nursing give</p> <p>19 you an R.N. or an L.V.N.?</p> <p>20 A. An R.N.</p> <p>21 Q. Okay. And from what institution did you</p> <p>22 receive the Associate's degrees?</p> <p>23 A. The respiratory degree in Tyler --</p> <p>24 Q. In Tyler, did you say?</p> <p>25 A. Yes, sir. And the R.N. degree in Houston.</p>

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<p>1 Q. And what was the name of the school in Tyler?</p> <p>2 A. Tyler was Tyler Junior College --</p> <p>3 Q. Okay.</p> <p>4 A. -- and North Harris. At the time it was North</p> <p>5 Harris Community College.</p> <p>6 Q. And when did you get your respiratory degree?</p> <p>7 A. 19 -- no, not 19. I want to say round about</p> <p>8 1987.</p> <p>9 Q. Okay. Most of the time is -- well, I didn't</p> <p>10 go over that. If I ask you for a date, particularly in</p> <p>11 questions like this, I don't need an exact date. I'm</p> <p>12 just trying to get a general chronology on things. If</p> <p>13 I need an exact date I'll probably try to press you a</p> <p>14 little bit on it or show you a document and go, hey,</p> <p>15 did this happen? Is there any reason for you to</p> <p>16 disagree? Something like that. But, I'll let you know</p> <p>17 on that.</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the Houston North Harris Community</p> <p>20 College?</p> <p>21 A. 1993, around in there.</p> <p>22 Q. Okay. Have you ever been married before?</p> <p>23 A. No, sir.</p> <p>24 Q. How long now have you worked for UTMB Managed</p> <p>25 Care?</p>	<p>1 Q. And then, I guess you went to school while you</p> <p>2 working at some point?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And that's when you got your R.N. --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- your Associate's degree?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And then, I guess, did you take a board, a</p> <p>9 test -- lawyers have to take a bar test. Once they</p> <p>10 finish law school they have to take a bar exam to get</p> <p>11 licensed. Did you have to do an equivalent to get your</p> <p>12 R.N.?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. And when did -- do you remember when</p> <p>15 you got your R.N. license?</p> <p>16 A. Around 1993.</p> <p>17 Q. Did you work for Conroe Regional Medical</p> <p>18 Center as an R.N.?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And how long did -- was that during the 14</p> <p>21 years?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. Did you -- did you go directly from</p> <p>24 Conroe Regional Medical Center to UTMB Managed Care?</p> <p>25 A. Yes, sir.</p>
Page 11	Page 13
<p>1 A. Since October 2000.</p> <p>2 Q. Okay. And I am presuming since that time,</p> <p>3 since 2000, you've worked in a full-time capacity of</p> <p>4 one sort or another? Roughly 40 or plus more hours a</p> <p>5 week?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Where did you work before you went to work for</p> <p>8 UTMB Managed Care.</p> <p>9 A. Conroe Regional Medical Center.</p> <p>10 Q. Conroe Regional?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is that a hospital here?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And how long did you work for Conroe?</p> <p>15 A. 14 years.</p> <p>16 Q. Sounds like then you maybe started -- my</p> <p>17 math's not that good, but did you start then -- I guess</p> <p>18 you started right out of respiratory therapy?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Did you work as a respiratory therapist</p> <p>21 then at Conroe?</p> <p>22 A. Yes, sir.</p> <p>23 Q. For the hospital? And again, was that a full</p> <p>24 time position?</p> <p>25 A. Yes, sir.</p>	<p>1 Q. Okay. And why did you leave to go from one</p> <p>2 place to the other?</p> <p>3 A. The UTMB job was closer to my home, and the</p> <p>4 hours more -- were more accommodating.</p> <p>5 Q. Okay. And were you living there at the Farm-</p> <p>6 to-Market when you left Conroe?</p> <p>7 A. No, sir.</p> <p>8 Q. Where were you living?</p> <p>9 A. We were living in Huntsville. I can't</p> <p>10 remember the exact address, but it was on 11th Street.</p> <p>11 Q. Okay. And how long had you lived there in</p> <p>12 Huntsville on 11th Street?</p> <p>13 A. How long did I live there?</p> <p>14 Q. Uh-huh.</p> <p>15 A. I want to say probably roughly two to three</p> <p>16 years.</p> <p>17 Q. Okay. And did you have another residence</p> <p>18 there in Huntsville before the 11th Street address?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Where were you living before you were</p> <p>21 living in Huntsville?</p> <p>22 A. Conroe.</p> <p>23 Q. Okay. Your husband is a major in the Texas</p> <p>24 Department of Criminal Justice, so that gives me some</p> <p>25 idea that he's been working for them for a while.</p>

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<p>1 A. Roughly 28 years.</p> <p>2 Q. Okay. Did you meet him then when you went to</p> <p>3 work at UTMB?</p> <p>4 A. No. I met him prior to my employment with</p> <p>5 UTMB.</p> <p>6 Q. Okay.</p> <p>7 A. Well, actually, I met him prior to UTMB and it</p> <p>8 was -- when it was all TDCJ.</p> <p>9 Q. Oh, okay. You have any military service?</p> <p>10 A. No, sir.</p> <p>11 Q. Does your husband still work or is he retired</p> <p>12 or --</p> <p>13 A. He still works. He has a couple more years</p> <p>14 before full retirement.</p> <p>15 Q. Okay. And I guess he works there at one of</p> <p>16 the units?</p> <p>17 A. He -- he works at Eastham Unit now.</p> <p>18 Q. Eastham?</p> <p>19 A. Uh-huh.</p> <p>20 Q. I'm going to kind of go over your -- where did</p> <p>21 you first start at the UTMB or T -- Texas Department of</p> <p>22 Criminal Justice? Did you work before they reorganized</p> <p>23 or -- when you went to work for the prison system in a</p> <p>24 health care capacity, what was it called?</p> <p>25 A. I initially -- we worked for TDCJ. We were</p>	<p>1 Q. Okay. You moved back in with your parents?</p> <p>2 A. No.</p> <p>3 Q. What -- 'cause when you say you went back</p> <p>4 home?</p> <p>5 A. After I initially worked for TDCJ in a</p> <p>6 respiratory capacity, I went back to live at home, but</p> <p>7 I worked and lived on my own.</p> <p>8 Q. Oh.</p> <p>9 A. And then, I moved back, went to work at Conroe</p> <p>10 as a respiratory therapy (sic), went to school during</p> <p>11 that time and became an R.N., worked for them as an</p> <p>12 R.N., then I went to UTMB as an R.N.</p> <p>13 Q. Okay. Do you remember what unit you worked</p> <p>14 with when you were working as a respiratory therapy</p> <p>15 (sic) in your initial --</p> <p>16 A. The Huntsville Unit.</p> <p>17 Q. And you worked for how long at the Huntsville</p> <p>18 Unit?</p> <p>19 A. About a year, year and a half, roughly.</p> <p>20 Q. And I'm presuming this was, again, a full-</p> <p>21 time, 40 plus hours a week job?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. Do you remember who your supervisors</p> <p>24 were?</p> <p>25 A. Bill Givens, William, I think, but Bill</p>
Page 15	Page 17
<p>1 hired by TDCJ.</p> <p>2 Q. Okay. And --</p> <p>3 A. And my initial employment was respiratory</p> <p>4 therapy there.</p> <p>5 Q. Okay. Do you remember when that was? Would</p> <p>6 that have been around 2000?</p> <p>7 A. No -- close -- close enough. I don't know,</p> <p>8 no. Probably in the late '80s, roughly.</p> <p>9 Q. Would you had been there -- did you have a</p> <p>10 break in service with them?</p> <p>11 A. I did.</p> <p>12 Q. Okay. So, what -- you went to work for the</p> <p>13 prison, what is called the prison system in the health</p> <p>14 capacity as a respiratory therapy (sic) --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- some time after you got your license to do</p> <p>17 so and finished your course work, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And how long then did you work for the prison</p> <p>20 system in that initial --</p> <p>21 A. I want to probably say, roughly about a year,</p> <p>22 year and a half.</p> <p>23 Q. And then, you went to work at Conroe Hospital?</p> <p>24 A. After I left TDC I moved back home, and then I</p> <p>25 moved back and went to work for Conroe.</p>	<p>1 Givens.</p> <p>2 MS. JO MILLER: What was the last name?</p> <p>3 THE WITNESS: Givens, G-I-V-E-N-S.</p> <p>4 BY MR. LIVELY:</p> <p>5 Q. Bill or William. Did you have any problems</p> <p>6 while you were working at the -- any employment</p> <p>7 problems, out of the ordinary, while you were in your</p> <p>8 initial service in the prison system as a respiratory</p> <p>9 therapist?</p> <p>10 A. No.</p> <p>11 Q. Did you ever file any grievances or lawsuits</p> <p>12 or anything while you were in this initial period of</p> <p>13 service?</p> <p>14 A. No. There was no reason to.</p> <p>15 Q. Then your second tour, so to speak, started in</p> <p>16 2000?</p> <p>17 A. Correct.</p> <p>18 Q. And by this time there had been some</p> <p>19 reorganization, and you worked for UTMB Managed Care --</p> <p>20 excuse me?</p> <p>21 A. Correct.</p> <p>22 Q. And when you came back did you have to</p> <p>23 reapply, go through the whole interview process?</p> <p>24 A. Yes, sir.</p> <p>25 Q. They didn't recruit you in the sense that they</p>

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<p style="text-align: right;">Page 18</p> <p>1 didn't come to you and go Ms. Fisher, we'd like you to 2 come to work, you responded to a job posting, I 3 presume? 4 A. No, sir. An employee that worked for UTMB 5 actually pretty much, I guess, recruited me. 6 Q. Oh, okay. So, somebody who was already 7 working there said there's a -- in essence there's a 8 job opening, why don't you apply? 9 A. Yes, sir. 10 Q. Okay. And who was that? 11 A. The practice manager, Chanta Crawford. 12 Q. Chanta, C-H-A -- 13 A. A-R-H, Chanta Crawford. 14 Q. Crawford, okay. Does Ms. Crawford still work 15 there? 16 A. Yes, sir. 17 Q. And where does she work? 18 A. She's still a practice manager at the Ellis 19 and Eastham Facility. 20 Q. Ellis what? 21 A. Ellis and Eastham Facility. 22 Q. Oh, and. Okay. Eastham is just, it's one 23 word, but it's East like the direction and Ham like 24 Easter Ham? 25 A. Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. 2 A. -- but, her supervisor was Delanne Zellar. 3 Q. Okay. Was she a human resources or nursing or 4 do you know what division did she work in? 5 A. Who are you referring to? 6 Q. Ms. Adams. 7 A. She was the nurse manager. 8 Q. Okay. She would have been, I guess, would she 9 have been Chanta Crawford's immediate supervisor? 10 A. No. Ms. Crawford did not report to Ms. Adams. 11 Q. At all? 12 A. Ms. Adams was part of the management team on 13 the facility, but Ms. Crawford did not report to her in 14 her direct chain of command. 15 Q. Okay. And by facility, we're talking about 16 the Ellis Eastham Unit? 17 A. Ellis is one unit, Eastham is another unit. 18 Q. Okay. 19 A. So -- but, at the time Ms. Crawford worked at 20 the Estelle Facility. 21 Q. Okay. And you were hired -- when you were 22 initially hired back in 2000, for what position? 23 A. Assistant nurse manager. 24 Q. In which unit? 25 A. Estelle Unit.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. Who -- who in essence hired you then on 2 your second -- I mean, I -- correct me if I'm wrong. 3 You sent a job application in, correct? 4 A. Correct. 5 Q. I guess, along with your license and 6 transcripts and letters of reference and that sort of 7 thing? 8 A. Correct. 9 Q. And that at some point, did you interview? 10 A. Yes, sir. 11 Q. Okay. And at some point, I guess, you were 12 offered employment? 13 A. Yes, sir. 14 Q. Do you know who made the -- the decision to 15 hire you? 16 A. Mary Adams. 17 Q. Okay. And who does Ms. Adams -- where does 18 she work and for whom? 19 A. She has retired from UTMB, and I'm not quite 20 sure where she's employed at now. She doesn't even 21 live in this state. 22 Q. At the time when she hired you? 23 A. Oh, she worked for Delanne Zellar. 24 Q. Who? 25 A. She worked for UTMB --</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. And again, this was a full-time job? 2 A. Yes, sir. 3 Q. Okay. And what were the duties of an 4 assistant nurse manager? 5 A. Actually it was to assist in overseeing the 6 operations of the nursing department, act as a liaison 7 for the nurse manager. 8 Q. And who was the nurse manager? 9 A. Mary Adams. 10 Q. Mary Adams. And how long were you -- and, 11 again, this is not one of those I need the exact date, 12 but just roughly, how long then were you an assistant 13 nurse manager? 14 A. For about three years. 15 Q. Okay. And during that period of time, did you 16 report to Mary Adams? 17 A. Yes, sir. 18 Q. Okay. Was she in your immediate chain of 19 command? 20 A. She was my direct supervisor. 21 Q. Supervisor, there you go. And who was 22 Ms. Adam's direct supervisor? 23 A. Delanne Zellar. 24 Q. Ooh, you may have to spell that, if you can. 25 A. Delanne is D-E-L-A-N-N-E.</p>

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<p>1 Q. Thank you.</p> <p>2 A. Zellar, Z-E-L-L-A-R.</p> <p>3 Q. Does she still work there or is she retired?</p> <p>4 A. She's retired.</p> <p>5 Q. Then what happened at the end of three years?</p> <p>6 That would've put us around 2003, 2004, something in</p> <p>7 that neighborhood, correct?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Yes?</p> <p>10 A. Yes, sir.</p> <p>11 Q. There you go 'cause you were doing the nodding</p> <p>12 your head and uh-huh. At some point what happened</p> <p>13 then? Were you promoted? Did you change units?</p> <p>14 A. I was promoted --</p> <p>15 Q. Okay.</p> <p>16 A. -- and I changed units.</p> <p>17 Q. Okay. And what were you promoted to?</p> <p>18 A. Nurse manager.</p> <p>19 Q. Okay. To what unit were you transferred to?</p> <p>20 Where'd you go to be a nurse manager?</p> <p>21 A. Let me -- let me back up.</p> <p>22 Q. Sure.</p> <p>23 A. Between 2000 and 2003, I had transferred from</p> <p>24 Estelle to the Wynne Unit as an assistant nurse</p> <p>25 manager.</p>	<p>1 overnight stays, in essence. The prisoner will come in</p> <p>2 to be evaluated. You know, I broke my hand, and I need</p> <p>3 a cast or something like that and then sent back to</p> <p>4 his --</p> <p>5 A. Cell.</p> <p>6 Q. -- cell or unit?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And the place where you had been before on</p> <p>9 inpatient, I guess, was a little more involved medical</p> <p>10 care, 'cause you said it was inpatient?</p> <p>11 A. Correct.</p> <p>12 Q. And how was it -- were the medical conditions</p> <p>13 more serious there?</p> <p>14 A. Pretty much. They were -- some were long</p> <p>15 term, they required more extensive care than in an</p> <p>16 outpatient facility.</p> <p>17 Q. Okay. So, you put in for a transfer and were</p> <p>18 given it -- was given it, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And that went to Wynne?</p> <p>21 A. Correct.</p> <p>22 Q. Then, you received your promotion --</p> <p>23 A. Correct.</p> <p>24 Q. -- to nurse manager and at the same time or</p> <p>25 did they -- to this new Ferguson, Goree, Huntsville --</p>
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<p>1 Q. Okay.</p> <p>2 A. I went from an inpatient facility to an</p> <p>3 outpatient facility.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. And then in 2003, I was promoted to</p> <p>6 nurse manager at Ferguson, Goree and Huntsville</p> <p>7 Cluster.</p> <p>8 Q. Just to make sure I've got the basics of this,</p> <p>9 before your promotion, you were transferred to the</p> <p>10 Wynne Unit?</p> <p>11 A. I put in an application to do a lateral</p> <p>12 transfer, and this is assistant nurse manager to the</p> <p>13 Wynne Unit.</p> <p>14 Q. Okay.</p> <p>15 A. 'Cause I was going from an inpatient to an</p> <p>16 outpatient facility.</p> <p>17 Q. Okay. So, this was done at your -- you</p> <p>18 requested a transfer from your old unit to the Wynne</p> <p>19 Unit to deal, I guess, a little bit different medicine?</p> <p>20 A. Actually, to -- for different learning</p> <p>21 opportunity --</p> <p>22 Q. Okay.</p> <p>23 A. -- because most of the facilities are</p> <p>24 outpatient in the area.</p> <p>25 Q. And just so we're clear, outpatient is not</p>	<p>1 was that done at the same time or sequentially? How --</p> <p>2 how did that happen?</p> <p>3 A. Sequentially. It wasn't done at the same</p> <p>4 time, and I can't remember how long I was at the Wynne</p> <p>5 Unit before I was promoted to nurse manager.</p> <p>6 Q. But, before -- when you were promoted to nurse</p> <p>7 manager, did you consider it -- that part of your new</p> <p>8 job as a nurse manager was to take over extra duties at</p> <p>9 the Ferguson, Goree, Huntsville?</p> <p>10 A. That was the duties when I applied for the job</p> <p>11 to manage those three units.</p> <p>12 Q. Okay. That's kind of -- it wasn't -- when you</p> <p>13 applied or sought the new job opening as a nurse</p> <p>14 manager, you knew it was for these -- this Ferguson,</p> <p>15 Goree, Huntsville Unit. And that if you were hired or</p> <p>16 promoted then that's where you would be going?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And who was it that promoted you?</p> <p>19 A. Dave Watson or David Watson.</p> <p>20 Q. Is that the same David Watson you've sued in</p> <p>21 this lawsuit?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. Did you -- were you in Mr. Watson's</p> <p>24 chain of command before you were promoted to nurse</p> <p>25 manager?</p>

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<p style="text-align: right;">Page 26</p> <p>1 A. I cannot really recall if Mr. Watson was in 2 his new job before I was promoted to nurse manager. I 3 really can't recall. So -- 4 Q. Okay. 5 A. -- to answer the question, I'm -- I can't 6 recall that. 7 Q. Okay. He might have been, he might not have 8 been. 9 A. Correct. 10 Q. But, when you -- just so we're clear, when you 11 applied for the nurse manager position, it was 12 Mr. Watson, David Watson, that promoted you? 13 A. Correct. 14 Q. And I guess, did you go through the same sort 15 of things, you applied, went through interviews, 16 etcetera? 17 A. Correct. 18 Q. Okay. Did you interview with Mr. Watson and 19 some others, I presume? 20 A. I interviewed with Mr. Watson in that -- and 21 his management team. 22 Q. Okay. And who was on that management team? 23 You -- if you remember. 24 A. Let me see if I can remember all of them. I 25 know I remember some of them. Denise Bocks, Jerry Tool</p>	<p style="text-align: right;">Page 28</p> <p>1 serve as a liaison. 2 Q. Okay. Do you -- would you have more paperwork 3 as a nurse manager than an assistant nurse manager? 4 A. I would say yes. You're ultimately 5 responsible for all of the paperwork. 6 Q. What about in dealing with employees? Would 7 you have more responsibility in dealing with employees 8 as a nurse manager than as an assistant nurse manager? 9 A. You'd probably spend roughly the same amount 10 of time dealing with the employees. 11 Q. Okay. And, again, the Ferguson, Goree, and 12 Huntsville Units were three separate units, but you 13 called it -- I think you used the term cluster? 14 A. Correct. 15 Q. And so, these are three separate physical 16 facilities for housing prisoners? 17 A. Correct. 18 Q. And so that would indicate to me, and please 19 correct me if I'm wrong, that there was some traveling 20 involved, not perhaps a great distance, but you would 21 have to go from one facility to another as a nurse 22 manager? 23 A. Correct. 24 Q. And did you have to -- did you have an 25 assistant nurse manager at each of the facilities?</p>
<p style="text-align: right;">Page 27</p> <p>1 -- 2 Q. Tool, is it T-O-O -- 3 A. No, wait. It was Denise Bocks, Dr. Seal, and 4 Glenda Adams and Beverly Slong; if I can remember 5 correctly. 6 Q. Were there others who applied for this same 7 nurse manager? 8 A. Yes, sir. 9 Q. Okay. So, you were selected out of a pool of 10 applicants? 11 A. Yes, sir. 12 Q. Okay. And do you remember when it was then 13 that you went -- did you ever operate as a nurse 14 manager at the Wynne Unit or do you remember? 15 A. As assistant nurse manager. 16 Q. So, your first actual work as a nurse manager 17 was when you went to the Ferguson, Goree, Huntsville 18 Unit? 19 A. Correct. 20 Q. And what would be the difference in lay terms 21 between the work you would do as an assistant nurse 22 manager and your job duties as a nurse manager? 23 A. They're actually very similar, but as a nurse 24 manager you're ultimately responsible for the total 25 operations. As an assistant nurse manager, you kind of</p>	<p style="text-align: right;">Page 29</p> <p>1 A. No, sir. 2 Q. Okay. So, you would have -- you had one, to 3 the best of your -- if you were not at the Ferguson 4 Unit, who would be in essence your next in command? 5 A. Nobody. I had one assistant nurse manager, 6 and she was housed at the Huntsville Unit. That was 7 her primary unit. 8 Q. Okay. So, then you would just have nurses 9 and, I guess, nursing assistants at each of the 10 Ferguson, Goree, and Huntsville Units that you would 11 have to keep track of, so to speak, correct? 12 A. Correct. 13 Q. And you only had one assistant nurse manager 14 for all three units? 15 A. Correct. 16 Q. And she would spend most of her time at 17 Huntsville? 18 A. Correct. 19 Q. So, if you went to the Goree or Ferguson Unit, 20 then you would deal with the actual nurses or nursing 21 assistants? 22 A. Correct. I didn't have nursing assistants, 23 but the nursing personnel. 24 Q. Just the nursing personnel. Okay. And as a 25 nurse manager, would you be involved in disciplining</p>

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<p style="text-align: right;">Page 30</p> <p>1 the employees in your chain of command?</p> <p>2 A. We do some discipline, but most discipline</p> <p>3 was, you know, it -- it would depend on what level of</p> <p>4 discipline you're -- you're -- you're at. The rest has</p> <p>5 to be referred to HR for approval before you're</p> <p>6 actually able to submit it to the employee.</p> <p>7 Q. As a nurse manager, what sort of discipline</p> <p>8 could you deal with without kicking it up the chain of</p> <p>9 command?</p> <p>10 A. Pretty much just coaching, verbal reminders,</p> <p>11 redirecting --</p> <p>12 Q. Could you administer oral reprimands?</p> <p>13 A. Yes.</p> <p>14 Q. What about written reprimands?</p> <p>15 A. No. That had to be approved.</p> <p>16 Q. So, if -- if you were going to reprimand a</p> <p>17 nurse for not being on time on a regular basis, you</p> <p>18 would have to send that up to, I guess, who -- was</p> <p>19 Mr. Watson your direct supervisor?</p> <p>20 A. Mr. Watson was my direct supervisor, but we</p> <p>21 sent it to the Human Resource Office.</p> <p>22 Q. Okay. So, if you had somebody, when you were</p> <p>23 nurse manager, and there was an employee in your chain</p> <p>24 of command, one of the nurses that was, just to pick an</p> <p>25 example, not showing up for her shift on time on a</p>	<p style="text-align: right;">Page 32</p> <p>1 and notify Mr. Watson.</p> <p>2 Q. By carbon copy or here's --</p> <p>3 A. Or verbal or --</p> <p>4 Q. Or e-mail?</p> <p>5 A. Right.</p> <p>6 Q. Okay. And then, as a practice matter, he</p> <p>7 would either -- did you ever have any -- did you ever</p> <p>8 have any time when Mr. Watson -- let's see, stopped you</p> <p>9 from disciplining anybody that you wanted to?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. And who was that, the employee?</p> <p>12 A. It's very -- it is several employees that I</p> <p>13 had written disciplinarys on for the same thing that he</p> <p>14 had, and encouraged me to write up people for in the</p> <p>15 past. And when I submitted them to him and HR, they</p> <p>16 rejected them.</p> <p>17 Q. Okay. Your pronouns have confused me --</p> <p>18 A. Okay.</p> <p>19 Q. -- a little bit here. They being?</p> <p>20 A. Mr. Watson and HR.</p> <p>21 Q. Okay.</p> <p>22 A. Which was Sandy Raeder who I submitted them</p> <p>23 to.</p> <p>24 Q. Okay. So, I get the impression, and correct</p> <p>25 me if I'm wrong, that if you wanted to -- to do a</p>
<p style="text-align: right;">Page 31</p> <p>1 regular basis, to the point you've tried oral</p> <p>2 counseling, you've given her an oral reprimand, and you</p> <p>3 decide okay we're going to boost the discipline, you</p> <p>4 would go to HR?</p> <p>5 A. At the written stage.</p> <p>6 Q. Okay. Would you keep Mr. Watson informed of</p> <p>7 this?</p> <p>8 A. Mr. Watson would be informed.</p> <p>9 Q. In other words, here's the action I want to</p> <p>10 take with this employee, did you need to get his</p> <p>11 approval to do that?</p> <p>12 A. We -- we actually did not -- we -- we have an</p> <p>13 attendance standard or we have policies that govern how</p> <p>14 we discipline people. And, basically, once they've met</p> <p>15 the level that -- that required a written, we</p> <p>16 formulated the disciplinary, and we sent it to HR.</p> <p>17 Q. Okay. We being you and your boss?</p> <p>18 A. The nurse managers or whoever. We, I, may --</p> <p>19 maybe I should say I.</p> <p>20 Q. If you wanted to just continue along with this</p> <p>21 example, if -- if a person in the employ had not been</p> <p>22 showing up at work on time, and you wanted to get a</p> <p>23 written reprimand, would you run it past Mr. Watson</p> <p>24 before you contacted HR?</p> <p>25 A. No. Pretty much you type it up, send it to HR</p>	<p style="text-align: right;">Page 33</p> <p>1 written reprimand, for instance, and you sent it to HR</p> <p>2 and Mr. Watson vetoed that, then HR would obey him over</p> <p>3 you?</p> <p>4 MS. JO MILLER: Objection, mis-states her</p> <p>5 prior testimony.</p> <p>6 BY MR. LIVELY:</p> <p>7 Q. Okay. I'm just trying to figure out, as a</p> <p>8 practice matter, I -- I'm presuming that Mr. -- if</p> <p>9 Mr. Watson vetoed or -- one of your proposed actions</p> <p>10 with HR, it wouldn't go through?</p> <p>11 A. I'm not quite sure if he was -- how they made</p> <p>12 that determination.</p> <p>13 Q. Okay.</p> <p>14 A. I can just tell you that it did not happen.</p> <p>15 Q. Okay.</p> <p>16 A. And --</p> <p>17 Q. And who were these and by employees that were,</p> <p>18 and I'm presuming were under your chain in command --</p> <p>19 A. Uh-huh.</p> <p>20 Q. Correct?</p> <p>21 A. Correct.</p> <p>22 MS. JO MILLER: Can I object unless you</p> <p>23 put a time frame on this. When did this happen?</p> <p>24 MR. LIVELY: Yes. I'm back in -- sure.</p> <p>25 BY MR. LIVELY:</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. I'm back in when you were in a nurse 2 manager -- I'm at that stage. Where you're the nurse 3 manager for the Ferguson, Goree, Huntsville Units 4 'cause that's when Mr. Watson -- is that when you first 5 started having the problems with Mr. Watson overriding 6 your desire to -- to give a written reprimand to 7 employees? 8 A. Basically, the desire to reprimand an employee 9 and he override it -- rode it, is when I were at -- 10 pretty much started -- that point of it started when I 11 went to Estelle Unit. 12 Q. Okay. Now -- okay. So, not -- while you were 13 nurse manager at the Ferguson, Goree, Huntsville Units, 14 did you have any problems with Mr. Watson? 15 A. Be specific. 16 Q. Any out of the ordinary problems? 17 A. While I was at Ferguson, Goree, and 18 Huntsville, I did make a complaint on Mr. Watson about 19 some discriminatory practices. 20 Q. Okay. And when you say you made a complaint, 21 did you file a grievance? 22 A. No, sir. I did it informal. 23 Q. And to whom -- I guess, an oral report -- 24 A. Correct. 25 Q. -- it's what we're talking about? And to whom</p>	<p style="text-align: right;">Page 36</p> <p>1 manager, which was a black assistant nurse manager, had 2 a conversation pretty much, basically saying that I 3 had, you know, complained about her, and this is why 4 I -- he had instructed me to give her the letter of 5 expectation. Which, by the same token, the same -- the 6 white nurse manager, that had a white assistant 7 manager, he never approached that particular white 8 assistant nurse manager to, basically, say that her 9 nurse manager had complained about her. And that he 10 had instructed the lady to give her a letter of 11 expectation. 12 Q. Okay. Again, it's normal in conversation, but 13 I kind of got lost on the pronouns again with the hes 14 and shes, so I'm going to follow up some questions 15 here. 16 A. Okay. 17 Q. There was a meeting with you, Ms. Raeder, 18 Ms. Bocks, and Mr. Watson. And your complaint to them 19 was that Mr. Watson had instructed you and a white 20 nurse manager, under his chain of command, do you -- 21 A. Correct. 22 Q. -- do you remember her name? 23 A. Mary Adams. 24 Q. Mary Adams, to give to your assistant nurse 25 managers a letter of -- now, I forget.</p>
<p style="text-align: right;">Page 35</p> <p>1 did you make an oral report? 2 A. Actually, in that loop of discussion was Sandy 3 Raeder and Denise Bocks and Mr. Watson. 4 Q. And Ms. Bocks worked for whom? Where was she 5 in -- in this? 6 A. She's a practice manager. She was part of his 7 management team. 8 Q. Okay. And so I'm -- did you have a meeting 9 with all four of you or did you do it -- 10 A. Yes. We -- we had a meeting. 11 Q. And this is while you were still as a nurse 12 manager at the Ferguson, Goree -- excuse me, Huntsville 13 Unit? 14 A. Correct. 15 Q. And what was the gist of the complaint? 16 A. That he, basically, had instructed me and 17 another nurse manager, which was a white nurse manager, 18 to, basically, give both of our assistant nurse 19 managers a letter of expectations. 20 Q. A what? 21 A. Letter of expectations. 22 Q. Okay. 23 A. Okay. Pretty much I received an e-mail asking 24 for a deadline. I did what he requested, but in the 25 meantime, Mr. Watson went to my assistant nurse</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Expectation. 2 Q. Expectations. That is, here's what we want 3 you to do. 4 A. Correct. 5 Q. And then, at some point -- well, did you -- 6 did you give a letter of expectations to your assistant 7 nurse manager? 8 A. Yes, I did. 9 Q. And what was her name? 10 A. Rosalyn Kelley. 11 Q. Do you remember the name of the assistant 12 nurse manager for Mary Adams? 13 A. Lee Gossett. Lee Gossett. 14 Q. Can you spell that last name? 15 A. G-O-S-S-E-T-T. 16 Q. Do you know whether or not Ms. Adams gave this 17 document to her assistant nurse manager? 18 A. I can't verify that. 19 Q. Then, at some point, your complaint was that 20 Mr. Watson went to see, in person, your assistant nurse 21 manager, Ms. Kelley? 22 A. Correct. 23 Q. Okay. And had a conversation then with 24 Ms. Kelley? 25 A. Correct.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. And were you there at that conversation?</p> <p>2 A. No sir, didn't have a clue that it was going</p> <p>3 on until Ms. Kelley called me in tears.</p> <p>4 Q. Okay. Had you ever been making any complaints</p> <p>5 to anybody in your chain of command about Ms. Kelley</p> <p>6 before this?</p> <p>7 A. It really wasn't a complaint. We had a</p> <p>8 discussion one day in the nurse managers' meeting. We</p> <p>9 were all just general conversation, just like if you</p> <p>10 were sitting around talking about your employees. And</p> <p>11 I made the statement that Ms. Kelley, I don't even</p> <p>12 remember how actually the part came up, but I did make</p> <p>13 the statement that Ms. Kelley really hadn't had all the</p> <p>14 training that I felt that an assistant nurse manager</p> <p>15 should have had. But, I also pointed out the fact that</p> <p>16 it wasn't Ms. Kelley's fault because Ms. Kelley was not</p> <p>17 allowed to do certain things. She had never been</p> <p>18 trained to do certain things. And I made that a point</p> <p>19 when Mr. Watson demanded that I gave her the letter of</p> <p>20 expectation.</p> <p>21 Q. Had Mr. Watson ever -- how many times did</p> <p>22 Mr. Watson ask you to give a written letter, of what</p> <p>23 you're terming letter of expectations, to Ms. Kelley?</p> <p>24 A. I think he told us in the meeting, both of</p> <p>25 us and --</p>	<p style="text-align: right;">Page 40</p> <p>1 A. I can't recall the exact date.</p> <p>2 Q. At this point, how long then had Ms. Kelley</p> <p>3 been assistant nurse manager?</p> <p>4 A. I really can't recall. I'm thinking a couple</p> <p>5 years, maybe. But, Ms. Kelley had not been assistant</p> <p>6 nurse manager under my leadership. And there are</p> <p>7 assistant nurse managers today that's been assistant</p> <p>8 nurse managers for a year or so and still struggling</p> <p>9 with their duties. So, I'm not -- I was not -- and I</p> <p>10 made it a point of saying, "I don't want to hold</p> <p>11 Ms. Kelley responsible for anything prior to my</p> <p>12 comment. I want to work with Ms. Kelley and try to</p> <p>13 bring Ms. Kelley up to speed. I've identified her</p> <p>14 deficiencies, and I want to work with her to bring her</p> <p>15 up to speed." But, that wasn't good enough for him.</p> <p>16 Q. Him being Mr. Watson?</p> <p>17 A. Mr. Watson.</p> <p>18 Q. And from your answer, I gather that Ms. Kelley</p> <p>19 was an assistant nurse manager at the Ferguson,</p> <p>20 Huntsville, Goree Units before you came onboard?</p> <p>21 A. When I got promoted she was an assistant nurse</p> <p>22 manager, and as far as I know only at the Huntsville</p> <p>23 Unit.</p> <p>24 Q. Okay. Did she come over to your units there,</p> <p>25 the -- the Ferguson, Goree, Huntsville Unit while</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. You and Ms. Adams?</p> <p>2 A. Me and Ms. Adams, and then, he sent me an e-</p> <p>3 mail wanting to know had I drafted up and where was I</p> <p>4 at on it? And -- and he pretty much gave me a deadline</p> <p>5 to get it to her. So, I emailed him back, told him I</p> <p>6 had it, forwarded it to him for him to review and make</p> <p>7 the changes as needed. And I basically asked him at</p> <p>8 that point. So, am I -- so as Ms. Adams' pretty much</p> <p>9 on the same time line. I mean, did she -- I just</p> <p>10 basically wanted to know, was I being expected to do</p> <p>11 the same thing that she was expected to do?</p> <p>12 Q. She being?</p> <p>13 A. Ms. Adams.</p> <p>14 Q. When did you first get asked by Mr. Watson to</p> <p>15 provide what you're calling a letter of expectations to</p> <p>16 give to Rosalyn Kelley? Do you remember?</p> <p>17 A. I can't recall exactly.</p> <p>18 Q. How long was it between the time that you were</p> <p>19 first instructed to give the letter of expectations to</p> <p>20 Ms. Kelley and that you actually did it?</p> <p>21 A. I can't recall exactly, but I'm thinking maybe</p> <p>22 weeks because he went and talked to Ms. Kelley a few</p> <p>23 days later. So, I'm thinking, maybe within a couple</p> <p>24 weeks.</p> <p>25 Q. Could it be quite a bit longer?</p>	<p style="text-align: right;">Page 41</p> <p>1 you -- after you got there?</p> <p>2 A. I replaced the -- the nurse manager that</p> <p>3 Ms. Kelley had, so she did, at that time, follow on</p> <p>4 the -- the clusters that I assumed.</p> <p>5 Q. She was already as an assist -- that's what</p> <p>6 I'm trying to clear up. As an assistant nurse manager,</p> <p>7 she was already there when you came onboard as a nurse</p> <p>8 manager?</p> <p>9 A. Correct. But, I can tell you that she</p> <p>10 actually was -- was assigned to the Ferguson, Goree</p> <p>11 Unit.</p> <p>12 Q. Okay. I'm with you. Okay. Did you know</p> <p>13 whether or not Mr. Watson ever met with Lee Gossett?</p> <p>14 A. No. He never did.</p> <p>15 Q. Okay. Do you know whether or not Ms. Adams</p> <p>16 was ever complaining about Lee Gossett?</p> <p>17 A. We were both in the same meeting and pretty</p> <p>18 much made the same statements.</p> <p>19 Q. Okay. Outside of the -- bless you. Outside</p> <p>20 of -- of this meeting with Ms. Adams, you and</p> <p>21 Mr. Watson where you were talking about your assistant</p> <p>22 nurse managers, were you at any other meetings with</p> <p>23 Ms. Adams and Mr. Watson about assistant nurse</p> <p>24 managers?</p> <p>25 A. No. It came up in the conversation, at a</p>

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<p style="text-align: right;">Page 42</p> <p>1 meeting, and only one meeting that I can recall.</p> <p>2 Q. Okay. Then you had a meeting with Mr. Raeder</p> <p>3 (sic), Ms. Bocks, and Mr. Watson, to address these</p> <p>4 concerns you had about Ms. Kelley?</p> <p>5 A. No, sir. It was to address the concern --</p> <p>6 well, to address the -- the approach that Mr. Watson</p> <p>7 took to address that because that -- that -- that</p> <p>8 really created -- could have created an atmosphere --</p> <p>9 adversarial working relationship between me and</p> <p>10 Ms. Kelley, whereas he -- I mean, he didn't subject</p> <p>11 Ms. Adams and Ms. Gossett to the same possibility.</p> <p>12 Q. When you had this meeting with Ms. Raeder,</p> <p>13 Ms. Bocks, and Mr. Watson to address these concerns,</p> <p>14 when was that? Do you remember?</p> <p>15 A. Probably days, and I can't re -- recall</p> <p>16 exactly. But, probably, a couple of days or so after</p> <p>17 he met with Ms. Kelley.</p> <p>18 Q. Do you remember what year this would have</p> <p>19 been?</p> <p>20 A. Probably 2005.</p> <p>21 Q. What exactly -- how long did this meeting last</p> <p>22 with Raeder, Bocks, Watson, and you?</p> <p>23 A. I would roughly say 30 minutes to an hour.</p> <p>24 Q. Okay. And what exactly -- who asked for</p> <p>25 meeting you?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Did -- at this same meeting we're talking</p> <p>2 about, did Ms. Raeder or Mrs. Bocks say anything?</p> <p>3 A. They both spoke, but I can't recall exactly</p> <p>4 what they said.</p> <p>5 Q. Do you remember any of the gist of what they</p> <p>6 said?</p> <p>7 MS. JO MILLER: Objection. Asked and</p> <p>8 answered.</p> <p>9 BY MR. LIVELY:</p> <p>10 Q. You can go ahead.</p> <p>11 A. Go ahead?</p> <p>12 MS. JO MILLER: Go ahead. If you can</p> <p>13 recall. You just said you couldn't so --</p> <p>14 THE WITNESS: I -- I can't recall.</p> <p>15 BY MR. LIVELY:</p> <p>16 Q. Okay. Okay. You know, we didn't go over</p> <p>17 that. Sometimes lawyers will make an objection. It's</p> <p>18 something that we do for the record, and again, it's</p> <p>19 not a criticism of you or anything. And I know</p> <p>20 sometimes witnesses will go, "Oh, I did something</p> <p>21 wrong." You didn't do anything wrong, so --</p> <p>22 MS. JO MILLER: He did.</p> <p>23 BY MR. LIVELY:</p> <p>24 Q. Okay. Let's go back then to the -- after</p> <p>25 Mr. Watson met with Ms. Kelley, I think you said that</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I did.</p> <p>2 Q. And what happened at that meeting? I mean,</p> <p>3 what did you -- as best as you can remember, tell me</p> <p>4 what you told them your concerns were.</p> <p>5 MS. JO MILLER: Objection. Asked and</p> <p>6 answered. You can go ahead.</p> <p>7 THE WITNESS: That he, basically, could</p> <p>8 have set up an adversarial relationship.</p> <p>9 BY MR. LIVELY:</p> <p>10 Q. Between?</p> <p>11 A. Me and Ms. Kelley, in that Ms. Gossett and</p> <p>12 Ms. Adams had not been subjected to the same treatment</p> <p>13 that we had.</p> <p>14 Q. How did Mr. Watson respond?</p> <p>15 A. He --</p> <p>16 Q. And -- and I'm talking about this meeting?</p> <p>17 A. What meeting?</p> <p>18 Q. The meet -- the meeting we're talking about</p> <p>19 now.</p> <p>20 A. Basically, said that he was sorry, that the</p> <p>21 reason why he did it, and I can't even remember what</p> <p>22 did he say, pretty much. But, he kind of tried to</p> <p>23 pacify the situation with a reasoning and -- but, he</p> <p>24 did ultimately say that he should have handled it</p> <p>25 differently.</p>	<p style="text-align: right;">Page 45</p> <p>1 she called you or came to see you in person? Do you</p> <p>2 remember that?</p> <p>3 A. She called me on the phone in tears.</p> <p>4 Q. Where were you at work? Was she at work?</p> <p>5 A. At work. We were both at work.</p> <p>6 Q. Okay. And I'm presuming then you were in</p> <p>7 different units?</p> <p>8 A. Different units.</p> <p>9 Q. Okay. And what did Ms. Kelley have to say to</p> <p>10 you?</p> <p>11 A. She basically said, "I had an unexpected</p> <p>12 visit. I just wanted you to be aware of it. I was</p> <p>13 told some things that was very distraught. I thought</p> <p>14 we had a -- a very honest working relationship.</p> <p>15 Mr. Watson has just told me that you have made several</p> <p>16 accusations and complaints about me, and that I will be</p> <p>17 receiving a letter of expectation." Which, I think, in</p> <p>18 my opinion, was totally inaccurate.</p> <p>19 Q. Did you tell Ms. Kelley, at any point, that</p> <p>20 Mr. Watson was making you give her this letter or take</p> <p>21 any disciplinary action against her?</p> <p>22 A. When I -- when I actually went to the unit to</p> <p>23 talk to Ms. Kelley --</p> <p>24 Q. After the phone call?</p> <p>25 A. After the phone call, I set her down, and I</p>

12 (Pages 42 to 45)

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<p style="text-align: right;">Page 46</p> <p>1 said, "Ms. Kelley, this is actually, basically, what 2 happened. We were in a meeting, these are the things 3 that I said. Mr. Watson has instructed me to give you 4 the letter of expectation." And I said, "If he would 5 have told -- told -- told the story accurate, he would 6 have told you." But, he made her believe that it was 7 all my idea to give her the letter of expectation. I 8 said, "If he would have told the story accurate, he has 9 instructed me to give you a letter of expectation, and 10 that's what I will be doing." 11 Q. Okay. Did this conversation face to face with 12 Ms. Kelley occur within a short time frame after the 13 telephone conversation? 14 A. I think, if I can recall, correctly, I think I 15 went to her -- the unit where she was at that day 16 because she called me, and she was, basically, crying. 17 And, I mean -- so, I felt like I needed to go and 18 pretty much just kind of resolve the issue before -- 19 Q. Did you then subsequently give her this 20 document you've termed letter of expectation? 21 A. I did. 22 Q. Okay. Does Ms. Kelley still work there? 23 A. No, sir. 24 Q. When did Ms. Kelley leave? 25 A. I can't recall that.</p>	<p style="text-align: right;">Page 48</p> <p>1 complaint, and now I'm looking at the Plaintiff's 2 original complaint. It looks like Paragraph 12 -- 3 MS. JO MILLER: Let's get her a copy of 4 it. 5 MR. LIVELY: This is the only copy -- 6 MS. JO MILLER: I can get you one. 7 MR. LIVELY: Why don't we take a little 8 break and -- why don't we take a little bathroom break? 9 THE WITNESS: And what I'm saying in 10 comparison, when I got to Estelle, in comparison, there 11 were things that I was -- that happened at the 12 Ferguson, Huntsville and Goree Facility that I was not 13 allowed to do the same thing to the employees that are 14 supervised at the Estelle Facility. So, Mr. Watson 15 made a difference in the way that I was allowed to 16 treat the employees at the Huntsville, Ferguson, and 17 Goree Cluster, as opposed to what the treatment that 18 the employees at the Estelle Facility got. 19 BY MR. LIVELY: 20 Q. Okay. 21 A. So, in comparison, in all of my appeals, 22 grievances, and in complaint, those were made -- those 23 were brought out. 24 Q. Okay. 25 MR. LIVELY: Why don't we take a little</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Was she terminated? Did she leave on her own 2 volition? Do you know why she left? 3 A. I'm not quite sure if Ms. Kelley left, if she 4 resigned in lieu of termination, I -- I cannot recall 5 that. I have no honest answer. 6 Q. Was she working for you when she left 7 employment? 8 A. No, sir. 9 Q. Where was she? What unit? 10 MS. JO MILLER: If you know. 11 THE WITNESS: She, from the best of my 12 recollection, she was at the Huntsville Unit. 13 BY MR. LIVELY: 14 Q. Okay. Did -- again, did you have any then 15 more problems that you're complaining about in this 16 lawsuit while you were there as nurse manager at the 17 Ferguson, Goree, Huntsville Unit that we haven't talked 18 about? 19 A. Well, if you go back and read the initial 20 complaint, there were several things that happened at 21 the Huntsville Unit that I did mention. 22 Q. Okay. We'll kind of go through them. If you 23 need to see this, I'll be happy to -- 24 A. No. 25 Q. -- show it to you. You mentioned the original</p>	<p style="text-align: right;">Page 49</p> <p>1 break. 2 MS. JO MILLER: Great. Okay. How many 3 copies do you want? 4 MR. LIVELY: And we'll come -- just one 5 for -- I have a copy. Why don't we -- 6 MS. JO MILLER: I don't know -- anything 7 else you need, let us know. We're -- we're kind of 8 disorganized. 9 (Break.) 10 MR. LIVELY: You ready? 11 COURT REPORTER: Yes, sir. 12 BY MR. LIVELY: 13 Q. Ms. Fisher, we had talked a little bit about 14 any other episodes while you were nurse manager at 15 the -- all right, that's my memory -- the Goree, 16 Ferguson, Huntsville Unit, you remember that? 17 A. Yes, sir. 18 Q. And you directed us to -- to the pleadings, 19 and what you have before you, I think, is a copy of 20 Plaintiff, Jackie Fisher's, original complaint, do you 21 not? 22 A. Yes, sir. 23 Q. And I asked -- directed your attention then to 24 Paragraph 12 of that on Page 4 of 15. Do you see that? 25 You -- you're right.</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. Paragraph 12, yes sir.</p> <p>2 MS. JO MILLER: I am going to ask that</p> <p>3 you make it an exhibit, though, if you're going to</p> <p>4 ask --</p> <p>5 MR. LIVELY: Sure, sure. We can -- sure.</p> <p>6 If you'll stick that on the front page there, someplace</p> <p>7 where it doesn't cover anything up.</p> <p>8 COURT REPORTER: Perfect.</p> <p>9 (Deposition Exhibit No. 1 marked.)</p> <p>10 BY MR. LIVELY:</p> <p>11 Q. Okay. We've marked the original complaint as</p> <p>12 Exhibit 1, have we not?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. And if you'll look at Paragraph 12, do</p> <p>15 you see where it says on or about August of 2005? Do</p> <p>16 you that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. It's -- were -- in August of 2005, were you</p> <p>19 the nurse manager of the Ferguson, Goree, Huntsville</p> <p>20 Unit?</p> <p>21 A. I think in this particular incident, Page 4 of</p> <p>22 15, Number 12, I think at that particular time, I had</p> <p>23 been transferred. We were all moved, and I was</p> <p>24 transferred to the Estelle Facility.</p> <p>25 Q. As a nurse manager?</p>	<p style="text-align: right;">Page 52</p> <p>1 work for me at the Estelle Facility.</p> <p>2 Q. Okay. And I am getting -- it's my</p> <p>3 understanding, and please correct me if I'm wrong,</p> <p>4 employees can request transfers from various units</p> <p>5 within the Huntsville area. I guess you can go</p> <p>6 anywhere in the -- in the prison system. But, it's not</p> <p>7 unusual for an employee to go I'd like to transfer from</p> <p>8 this unit to that unit, is it?</p> <p>9 A. That is correct.</p> <p>10 Q. I mean, there's a process involved in that.</p> <p>11 You may get it, you may not, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. How do you go about making that app -- or do</p> <p>14 you file an application? Do you ask orally or how --</p> <p>15 how is that typically handled?</p> <p>16 A. Typically it's supposed to be that they file</p> <p>17 an application for a vacant position that posted. You</p> <p>18 interview them and select the best applicant.</p> <p>19 Q. Okay. Is that -- usually has done?</p> <p>20 A. For the most part.</p> <p>21 Q. Okay. In other words, for the most part, I</p> <p>22 mean, a person working at one unit may say, okay</p> <p>23 there's a job posting, and I feel like I'm qualified</p> <p>24 for, and I'd like to be closer to home, and so I'm</p> <p>25 going to apply there. And you go through the usual</p>
<p style="text-align: right;">Page 51</p> <p>1 A. As a nurse manager.</p> <p>2 Q. Okay. And it says here on Paragraph 12 on</p> <p>3 August of 2005, "A black subordinate, Ms. Freeman,</p> <p>4 wanted to transfer within the Huntsville Cluster to</p> <p>5 work under Fisher's supervision." Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. By the Huntsville Cluster is that what we've</p> <p>8 been calling the -- the Ferguson, Goree, Huntsville</p> <p>9 Unit? What -- what is the Huntsville Cluster, I guess</p> <p>10 is --</p> <p>11 A. It's the whole -- I think it's like 12 or 14</p> <p>12 units in the Huntsville area. The geographic location</p> <p>13 of the Huntsville area. That's what we're calling the</p> <p>14 Huntsville Cluster.</p> <p>15 Q. Okay. Okay. And Ms. Freeman was she in your</p> <p>16 chain of command back then?</p> <p>17 A. I think Paragraph 12, if I'm not mistaken, at</p> <p>18 this time I was already reassigned to the Estelle</p> <p>19 Facility.</p> <p>20 Q. Was -- so, your understanding then is that</p> <p>21 Ms. Freeman worked in another unit and wanted to come</p> <p>22 work with you?</p> <p>23 A. Ms. Freeman I think, if I can call -- recall</p> <p>24 correctly, in regards to this Number 12, Ms. Freeman</p> <p>25 worked at the Goree Facility and wanted to transfer to</p>	<p style="text-align: right;">Page 53</p> <p>1 process 'cause you're basically being rehired. Am --</p> <p>2 am I correct?</p> <p>3 A. For that unit, yes sir.</p> <p>4 Q. Okay. And so, do you know whether or not</p> <p>5 Ms. Freeman filed to transfer any sort of any</p> <p>6 application or did she just orally ask? Do you know</p> <p>7 how Ms. Freeman handled this?</p> <p>8 A. If I'm not mistaken and can recall correctly,</p> <p>9 at the time anybody that put in for a transfer,</p> <p>10 Mr. Watson had made it a rule that they had to</p> <p>11 interview with him, and he had to approve the transfer.</p> <p>12 Q. Okay.</p> <p>13 A. And so, I don't know if she actually put in an</p> <p>14 application, but I know she had an appointment, and she</p> <p>15 met with him.</p> <p>16 Q. Okay. Were you there at the meeting with --</p> <p>17 between Mr. Watson and Ms. Freeman?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. Do you -- Mr. Watson denied Ms. Freeman</p> <p>20 the transfer, correct?</p> <p>21 A. Initially, correct.</p> <p>22 Q. Okay. And do you know why?</p> <p>23 A. If I can recall --</p> <p>24 MS. JO MILLER: Objection, calls for</p> <p>25 speculation.</p>

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<p style="text-align: right;">Page 54</p> <p>1 BY MR. LIVELY:</p> <p>2 Q. What is your understanding then of why</p> <p>3 Mr. Watson denied Ms. Freeman the initial request to</p> <p>4 work for you -- transfer to work for you?</p> <p>5 A. According to Mr. Watson, he didn't feel like</p> <p>6 her -- her reasoning was valid.</p> <p>7 Q. Do you know whether or not Ms. Freeman even</p> <p>8 gave him a reason why she wanted to transfer?</p> <p>9 A. I wasn't at the meeting.</p> <p>10 Q. And I gather the impression at some point</p> <p>11 Ms. Freeman was allowed to transfer?</p> <p>12 A. After I made a complaint about Mr. Watson's</p> <p>13 discriminatory practices of hiring and transfer, she</p> <p>14 was granted the transfer.</p> <p>15 Q. Okay. And this would be a separate complaint</p> <p>16 from the one we talked about where you had a meeting</p> <p>17 with Ms. Bocks?</p> <p>18 A. This was a -- this was a separate issue, so it</p> <p>19 was a separate complaint.</p> <p>20 Q. A separate --</p> <p>21 A. It was a separate occurrence, so it was a</p> <p>22 separate complaint.</p> <p>23 Q. Okay. And do you know whether Ms. Freeman</p> <p>24 filed any sort of grievance or complaint about this</p> <p>25 particular request for transfer?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. And when you made this complaint in,</p> <p>2 let's call it, even though we're not sure, we'll call</p> <p>3 it the January '06 complaint, who was that -- to whom</p> <p>4 did you complain?</p> <p>5 A. I complained to Mr. Watson, who in turn</p> <p>6 complained to Ms. Raeder and Ms. Gotcher.</p> <p>7 Q. What was the wording -- what did you tell --</p> <p>8 was it an oral complaint to Mr. Watson or was it a</p> <p>9 written?</p> <p>10 A. We were all in interviews, and there was a</p> <p>11 white nurse manager who wanted to rehire a white</p> <p>12 employee. Prior to Ms. Freeman, well not prior, in</p> <p>13 between Ms. Freeman wanted to transfer Mr. Watson made</p> <p>14 it known to us that he was not pretty much letting</p> <p>15 anybody transfer that had bad attitudes. We were not</p> <p>16 being allowed to rehire anybody with bad attitudes.</p> <p>17 That was his, pretty much that was just his</p> <p>18 description, not his exact words, but his -- problem</p> <p>19 employees. So, at the time, in a January interview</p> <p>20 session, a white employee, a nurse manager wanted to</p> <p>21 hire a white employee which everybody knew when the</p> <p>22 employee left that she had caused a lot of problems,</p> <p>23 pretty much was what they considered as a problem</p> <p>24 employee. Mr. Watson had gave approval in that</p> <p>25 interview session for her to hire the white employee</p>
<p style="text-align: right;">Page 55</p> <p>1 A. I can't recall. I know that there were</p> <p>2 several e-mails that went back and forth between her</p> <p>3 and Mr. Watson because I was copied on one or two of</p> <p>4 them. But, I can't recall if Ms. Freeman made a formal</p> <p>5 complaint to anybody --</p> <p>6 Q. Okay.</p> <p>7 A. -- outside of Mr. Watson.</p> <p>8 Q. Okay. Did she ask you to file a complaint?</p> <p>9 Ms. Freeman, did she come to you and complain about</p> <p>10 being denied -- let me rephrase the question. Did</p> <p>11 Ms. Freeman come to you after the denial of the</p> <p>12 transfer and complain to you about Mr. Watson?</p> <p>13 A. No. She told me that her transfer had been</p> <p>14 denied.</p> <p>15 Q. Anything else that she told you?</p> <p>16 A. But, the correspondence was between her and</p> <p>17 Mr. Watson, and I was copied on some of the e-mails.</p> <p>18 Q. Okay. Did -- who did you then go -- did --</p> <p>19 who did you then go complain to about Ms. Freeman's</p> <p>20 denied transfer?</p> <p>21 A. At that time, nobody. Mr. Watson was the</p> <p>22 supervisor, he made a decision, so I respected that</p> <p>23 decision. When I complained about Mr. Watson was, if</p> <p>24 I'm mistaken, it was around January '06, like five, six</p> <p>25 months later.</p>	<p style="text-align: right;">Page 57</p> <p>1 back.</p> <p>2 Q. Okay. Let's -- okay. I just -- we need --</p> <p>3 who was the -- who was the name of the white nurse</p> <p>4 manager?</p> <p>5 A. Lavana Wright.</p> <p>6 Q. Lavana W-R-I-G --</p> <p>7 A. H-T.</p> <p>8 Q. And who was the white rehire?</p> <p>9 A. I cannot recall her name right now. I can see</p> <p>10 her face, but I can't recall her name.</p> <p>11 Q. I should have gone over this instruction.</p> <p>12 Sometimes too because the human memory if you're trying</p> <p>13 to think of something, you know, it's on the tip of my</p> <p>14 tongue and you can't think of it and then you'll change</p> <p>15 the subject, and then, all of a sudden that name or</p> <p>16 whatever will pop up, feel free to tell us, even in the</p> <p>17 middle of an answer. Oh, that just dawned on me who</p> <p>18 that was, and then we --</p> <p>19 A. Okay.</p> <p>20 Q. -- and that also applies to any answer. For</p> <p>21 instance, if you answered a question earlier in the</p> <p>22 deposition, and then we've gone onto some other</p> <p>23 subject, then you realize, wait a minute, I didn't</p> <p>24 really -- 'cause that's the way human memories work, at</p> <p>25 least mine.</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. Okay.</p> <p>2 Q. Feel free to go, you know that answer where I</p> <p>3 said I had a red light at that Smith and Jones</p> <p>4 intersection, it really wasn't. It was at some</p> <p>5 other -- you know, 'cause that's the way human -- and</p> <p>6 so, if you need to do that -- in short, if this</p> <p>7 rehired, white, ex-employee's name pops into your head,</p> <p>8 tell us, all right?</p> <p>9 A. Okay. Correct.</p> <p>10 Q. Okay. Do you know whether this rehired,</p> <p>11 white, ex-employee was in fact rehired?</p> <p>12 A. No. Because at that interview session, after</p> <p>13 he said that she was able to rehire, I said to --</p> <p>14 pretty much, not in these same words, "Mr. Watson, if I</p> <p>15 understand you correctly, the reason why Ms. Freeman</p> <p>16 was denied transfer, pretty much, is that we were not</p> <p>17 allowing rehires or transfers of problem employees." I</p> <p>18 said, "Do you remember why this employee left?" And we</p> <p>19 went over the holding thing -- whole thing, and he</p> <p>20 pretty much said, "Yes, I can remember that." And</p> <p>21 during that conversation he pretty much -- I was able</p> <p>22 to -- he re -- rethought it, and he was able to</p> <p>23 remember the details. The next day --</p> <p>24 Q. After the meeting?</p> <p>25 A. -- he said -- the very next day after the</p>	<p style="text-align: right;">Page 60</p> <p>1 interview process, we discuss what applicants we're</p> <p>2 going to actually select for our unit.</p> <p>3 Q. Okay.</p> <p>4 A. So, during the selection process is when I</p> <p>5 raised the issue that I didn't think that it was fair</p> <p>6 that you are allowing Lavana to rehire, whatever, I</p> <p>7 can't remember her name, after you've denied</p> <p>8 Ms. Freeman's transfer because you were not allowing or</p> <p>9 rehiring problem employees per se.</p> <p>10 Q. Okay. And so, he obvious -- I mean, it's my</p> <p>11 understanding then, that he thought about what you had</p> <p>12 said, and then gave directions to Lavana, in effect,</p> <p>13 saying you can't rehire this ex-employee?</p> <p>14 MS. JO MILLER: Objection, calls for</p> <p>15 speculation about what he thought.</p> <p>16 THE WITNESS: The e-mail that I received</p> <p>17 from Mr. Watson to Lavana, and copy to me, said that,</p> <p>18 you cannot rehire, we thought about it, and I --</p> <p>19 BY MR. LIVELY:</p> <p>20 Q. I veto it?</p> <p>21 A. Ms. Fisher is correct.</p> <p>22 Q. Okay. Paragraph 15 of your pleadings talks</p> <p>23 about -- of your Plaintiff's Exhibit 1, your original</p> <p>24 complaint. You see Paragraph 15 there?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 59</p> <p>1 interview process, he sent an e-mail to the white nurse</p> <p>2 manager, which was Lavana Wright and Sandy Raeder and</p> <p>3 myself, and said he's -- he's rethought it, I was</p> <p>4 correct and that he was not going to approve her</p> <p>5 rehire.</p> <p>6 Q. Okay. So, if I -- if I understand you</p> <p>7 correctly, you're recollection is Lavana wanted to</p> <p>8 rehire the ex, problem employee --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- and at this meeting there was no objection</p> <p>11 made to Mr. Watson, initially, and you reminded him of</p> <p>12 what you understood to be this ex-employee --</p> <p>13 MS. JO MILLER: Objection, asked and</p> <p>14 answered, and this states facts not in evidence.</p> <p>15 MR. LIVELY: Sure.</p> <p>16 BY MR. LIVELY:</p> <p>17 Q. I'm just -- did you -- at this initial</p> <p>18 interview, is that when the ex-employee, the white,</p> <p>19 problem, ex-employee was interviewed?</p> <p>20 A. Correct.</p> <p>21 Q. And was it at this same interview process or</p> <p>22 meeting after the interviews that you reminded</p> <p>23 Mr. Watson of some of the problems that had occurred</p> <p>24 with this white, ex-employee?</p> <p>25 A. Usually what happens at the end of an</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. It talks about during the same period he --</p> <p>2 he, being Mr. Watson, granted several white employees</p> <p>3 their requests for transfer within that cluster. Do</p> <p>4 you see that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Who were these white employees that you are</p> <p>7 stating that were allowed to transfer?</p> <p>8 A. I can't recall their names off the top of my</p> <p>9 head. There were several transfers from August '05 to</p> <p>10 the beginning of the year. Several transfers among</p> <p>11 white employees. And Ms. Freeman was the only employee</p> <p>12 and black that was not granted a transfer.</p> <p>13 Q. Paragraph 16, you see Paragraph 16 on</p> <p>14 February 11, 2005? "Fisher complained about -- to her</p> <p>15 supervisor, Defendant Watson, because he treated her</p> <p>16 and another black employee who she supervised,</p> <p>17 Ms. Kelley, differently and more harshly than he</p> <p>18 treated" -- you see that? We -- we've already gone</p> <p>19 over that, have we not?</p> <p>20 A. Yes, sir.</p> <p>21 Q. That's the episode that we spent some time</p> <p>22 talking about earlier in your deposition?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Now, there was an episode --</p> <p>25 Paragraph 19 of your complaint talks about an inmate</p>

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<p style="text-align: right;">Page 62</p> <p>1 that had committed suicide eight -- eight or so days 2 after you had spoke to him. Do you see that? 3 A. Yes, sir. 4 Q. And do you know who it was that referred that 5 matter to the Board of Nursing Examiners? 6 A. Actually, I don't know who actually referred 7 it to the Board of -- well, the Peer Review, from my 8 understanding, referred it to the Board of Nursing. 9 Q. Do you know who instituted the peer review? 10 A. From my knowledge of peer review it's reviewed 11 in the Mortality/Morbidity Committee. It's only a 12 recommendation for peer review, and the decision is 13 made at Mr. Watson's and Ms. Gotcher's level. 14 Q. Okay. Do you know whether or not the peer 15 review in this case was instituted by the Department 16 of -- the Texas Department of Criminal Justice? 17 A. From my understanding, peer review -- the 18 Texas Department of Criminal Justice, they make the 19 recommendations. And the final decision, from my 20 understanding, is made at the district and division, 21 which is Mrs. Watson -- Mr. Watson and Ms. Gotcher's 22 level. 23 Q. Okay. It is -- at some point, your actions 24 were sent to the Texas Board of Nursing Examiners over 25 this inmate suicide, was it not?</p>	<p style="text-align: right;">Page 64</p> <p>1 you, wasn't it? 2 A. I don't remember the exact wording of the 3 letter. But, I know after I made multiple complaints 4 to Mr. Watson about his participation in the process, 5 he eventually did write a letter. 6 Q. Did you object to Mr. Watson being at the peer 7 review at the time it was happening? 8 A. Nobody asked me did I object to him being at 9 the peer review. It is stated in policy that he -- he 10 as a chairperson should not have participated. I 11 shouldn't have not have to had objected. At any time 12 he should not have been there. 13 Q. So, at the peer review were you allowed to 14 tell your side of the story? 15 A. Yes, sir. 16 Q. At that point did you -- was Mr. Watson there? 17 A. Yes, sir. 18 Q. At that point did you object in oral or 19 writing to his being there? 20 A. No, sir. But, as a chairperson I don't feel 21 like I should've objected. It was part of the policy, 22 and he -- he did not follow the policy. 23 Q. And at some point, the Board of Nursing 24 Examiners took some action, I think, requiring you to 25 get more education?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. That is correct. 2 Q. And did Mr. Watson write a letter on your 3 behalf to the Texas Board of Nursing Examiners over the 4 matter? 5 A. Later in the case, as far as I can remember. 6 Q. Did you ask him to -- to write you a letter to 7 the Board of Nursing Examiners over this episode? 8 A. No. And Mr. Watson did it after I made 9 multiple complaints that he actually sat in on Peer 10 View Committee against policy, five out of seven 11 employees that were voting, committee members, were 12 under his direct influence. And I felt, under his 13 direct chain of command, and I felt like he had 14 influence over the decision. I made several complaints 15 to him about that, and then, he wrote a letter, and it 16 was probably months, a year -- almost a year later, to 17 the Texas Board of Nurse Examiners. 18 Q. Have you ever seen that letter he wrote on 19 your behalf? 20 A. I -- if I can recall correctly, I have, 21 because I got the -- a complete file -- I -- I 22 requested in paper the complete file that was sent in 23 by UTMB to the Board of Nurses. If I can remember 24 correctly, I think the letter was included. 25 Q. And the letter by Mr. Watson was defending</p>	<p style="text-align: right;">Page 65</p> <p>1 A. To take a class, not go per se get more 2 education. But, I guess, you could call it that. But, 3 not any schooling, I just had to take an independent 4 class, like an in-service or -- 5 Q. Online or a seminar or -- 6 A. Actually, I went in person. 7 Q. Did it last a week, a day, kind of like 8 defensive driving? How long -- 9 A. Yes. Kind of like defensive driving. I think 10 it may have been a six to eight-hour class. 11 Q. Do you remember what the subject matter was? 12 A. If I'm not mistaken, called correctly it was 13 Prudence -- I really don't -- Prudence and -- I don't 14 remember. 15 Q. Okay. And did the Board of Nursing Examiners 16 place any restrictions on your license? 17 A. No, sir. 18 Q. Their requirement was simply take this class? 19 Did they give you a menu of classes or did you have to 20 seek approval for the class from them or how did 21 that -- 22 A. They told you the classes to take. 23 Q. Okay. Did they give you a menu of classes or 24 did they just say you need to take this class from this 25 teacher --</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. You just --</p> <p>2 Q. -- or --</p> <p>3 A. They -- they basically just said, "Here's the</p> <p>4 order you need to take," this, this, and this.</p> <p>5 Q. Okay.</p> <p>6 A. And you have one year to do it.</p> <p>7 Q. Okay. Now, you're --</p> <p>8 A. Can I make an interjection on the peer review?</p> <p>9 Q. Sure.</p> <p>10 A. The peer review case was at the decision level</p> <p>11 of Ms. Gotcher and Mr. Watson, really could have been</p> <p>12 stopped before it was referred to Peer Review.</p> <p>13 According to our Board of Nursing standard, that</p> <p>14 particular incident could have been considered as a</p> <p>15 minor incident, with no further actions.</p> <p>16 Q. Are we talking about the inmate suicide?</p> <p>17 A. Correct.</p> <p>18 Q. If you'll go to Paragraph 26 of your original</p> <p>19 complaint, Exhibit 1, you see that?</p> <p>20 A. Correct.</p> <p>21 Q. It says, "About January 4, 2006, Fisher</p> <p>22 opposed to what she perceived to be discrimination and</p> <p>23 confronted Mr. Watson about his different standards for</p> <p>24 white and black employees and told him it was not</p> <p>25 fair," you see that?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. The Estelle Facility.</p> <p>2 Q. And who told you that this was at Mr. Watson's</p> <p>3 request?</p> <p>4 A. Ms. Gotcher or Ms. -- Ms. Melton.</p> <p>5 Q. Okay. And what happened? Did they -- when</p> <p>6 you talk about onsite, did -- who showed up?</p> <p>7 A. Okay. If I can remember correctly, there was</p> <p>8 an e-mail sent out from Mr. Watson to the entire</p> <p>9 Estelle Complex. And just so you can kind of get an</p> <p>10 understanding, the Estelle Complex, at that time, had</p> <p>11 two nurse managers, myself and another white nurse</p> <p>12 manager.</p> <p>13 Q. Do you remember her name?</p> <p>14 A. Joyce Bahns.</p> <p>15 Q. Okay. Go ahead.</p> <p>16 A. Okay. There was an e-mail sent out from</p> <p>17 Mr. Watson to the entire complex, to my employees and</p> <p>18 to Ms. Bahns' employees, that Ms. Gotcher and</p> <p>19 Ms. Melton would be coming to the unit and pretty much</p> <p>20 they would be there for good, bad, neutral, and that it</p> <p>21 was pretty much open invitation. And that's what I</p> <p>22 could remember from the e-mail. During the scheduled</p> <p>23 time that they actually came onsite, I was off on</p> <p>24 bereavement leave. My grandmother was passing away.</p> <p>25 So, I wasn't on the facility during the time that they</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Yes, sir.</p> <p>2 Q. Have we talked about this conversation?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Already?</p> <p>5 A. That's the hiring and the transferring.</p> <p>6 Q. Okay. That's where you talked about -- that's</p> <p>7 the conversation you had with Mr. Watson about this</p> <p>8 white, non-rehire?</p> <p>9 A. Correct.</p> <p>10 Q. Now, then, it looks like Paragraph -- if</p> <p>11 you'll take a look at the following Paragraphs 27,</p> <p>12 roughly 28, 29, 30 on so forth, it talks about an</p> <p>13 onsite investigation?</p> <p>14 A. Uh-huh.</p> <p>15 Q. I want you to tell what you remember about</p> <p>16 this -- what -- what led up to this?</p> <p>17 A. Okay. I -- I honestly cannot tell you what</p> <p>18 led up to it. I just know it that Paragraph 26, on the</p> <p>19 January the 4th, after I complained about Mr. Watson's</p> <p>20 discrimination for the third time, five days later,</p> <p>21 Ms. Gotcher and Ms. Melton started an onsite</p> <p>22 investigation. And I was told it was at Mr. Watson's</p> <p>23 request.</p> <p>24 Q. And onsite investigation, which unit would</p> <p>25 this be?</p>	<p style="text-align: right;">Page 69</p> <p>1 were actually there --</p> <p>2 Q. Okay.</p> <p>3 A. -- doing the interviews.</p> <p>4 Q. Okay.</p> <p>5 A. I received several phone calls from employees,</p> <p>6 basically stating that it was witch hunt. There were</p> <p>7 employees who felt that they were encouraging the staff</p> <p>8 to be disloyal, employees that said that they felt</p> <p>9 attacked when they tried to support me. The employees</p> <p>10 that were actually interviewed pretty much were</p> <p>11 solicited, certain employees.</p> <p>12 Q. Was what?</p> <p>13 A. Solicited. Like I want you to go. Solicited</p> <p>14 employees.</p> <p>15 Q. Okay. So, that -- I guess, was a room set</p> <p>16 aside as far as you know?</p> <p>17 A. As far as I remember, they were in a</p> <p>18 conference room.</p> <p>19 Q. Okay.</p> <p>20 A. Okay?</p> <p>21 Q. And so, when you say solicited, they said,</p> <p>22 "Send me Mr. Smith."</p> <p>23 A. They didn't say, "Send Mr. Smith." Mr. Watson</p> <p>24 had certain people that he was telling the assistant</p> <p>25 nurse manager to send down to talk to them.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Okay. And who was this assistant nurse 2 manager? 3 A. Victor Aguilar. 4 Q. Okay. Go ahead. I'm sorry. 5 A. And there were certain employees that 6 basically requested to be relieved and go -- 7 Q. To be what? 8 A. To be relieved to go sit down at the 9 meeting -- 10 Q. At the meeting? Okay. Okay. 11 A. -- with them. Right. That, from what I 12 understand, pretty much had to find their own relief. 13 These people were not put as a priority, if they're 14 not -- was not the ones that Mr. Watson wanted to go 15 down and talk to. They interviewed, I guess for two 16 days, day and night people. 17 Q. Okay. 18 A. And out of the people that was interviewed at 19 the time I supervised about 42 people. 20 Q. Okay. 21 A. And I don't really know how many they talked 22 to -- ultimately, that they talked to. 23 Q. Okay. Who was it that called you, I presume 24 at home -- were you at home? 25 A. Uh-huh. I was -- I was at the hospital.</p>	<p style="text-align: right;">Page 72</p> <p>1 investigation were people that were, I mean, they were 2 also calling you to see how -- how you doing -- 3 A. Uh-huh. 4 Q. -- personally, in relation to your 5 grandmother's hospitalization? 6 A. Uh-huh. 7 Q. Is that correct? 8 A. Correct. 9 Q. Okay. 10 A. And even the guy, Victor Aguilar, came -- he 11 drove to Tyler to visit me. 12 Q. While you were with your grandmother? 13 A. Yes, sir. 14 Q. Did he -- did he come there -- he didn't come 15 there to talk to you about the onsite investigation? 16 He just came to -- as a -- 17 A. He never mentioned it. 18 Q. -- as an act of friendship? 19 A. He never mentioned it. 20 Q. Okay. He just came there. Did you take it as 21 an act of friendship and support from Victor, the 22 visit, in Tyler? 23 A. I -- I wouldn't say that's how I took it. 24 But -- 25 Q. How did you take it?</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. With -- with your mother? 2 A. Grandmother. 3 Q. Grandmother? Okay. On your cell phone, I 4 presume? 5 A. Uh-huh. Yes, sir. 6 Q. There you go. Who called you? 7 A. I can't remember. There were several 8 employees. 9 Q. You just don't remember their names? 10 A. I can't recall their names because they had 11 been calling all along to check on me, you know, in my 12 situation. And during the -- during the process of all 13 the interviews, as they went and -- and made their -- 14 had their discussion with them, they were pretty much 15 just calling and letting me know what was said. What 16 they told and what their responses was. And that's 17 pretty much what they said. It was basically a witch 18 hunt, and the people who had good things to say was 19 pretty much redirected. 20 Q. Do you remember the exact wording of any of 21 these employees? 22 A. The only thing that I really remember that was 23 common that stuck out was it was a witch -- witch hunt. 24 Q. And did I understand you also correctly, that 25 these people who called you during the onsite</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Out of obligation. 2 Q. Okay. 3 MS. JO MILLER: It's not my deposition, 4 but it's -- 5 MR. LIVELY: Oh, let's quit. Okay. No. 6 I missed it. No. Thank you. Let's take a break. 7 (Lunch Break 11:45 A.M. through 12:45 8 P.M.) 9 BY MR. LIVELY: 10 Q. Ms. Fisher, we're back on the record after a 11 lunch break. And my memory, poor though it is, says 12 that we were talking about he onsite investigation. Do 13 you remember us talking about that right before we 14 broke? 15 A. Yes, sir. 16 Q. Okay. And -- 17 A. May I interject -- 18 Q. Oh, sure. 19 A. -- to go back. And I want to preface that 20 the name of the employees that -- 21 Q. Called you? 22 A. -- called me, but, I kind of preface that 23 these -- that I -- my desires, but not the -- these 24 employees not to be retaliated against. 25 Q. Sure.</p>

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<p>1 A. Was Rocio Sevilla. I think her first name is 2 Rocio Sevilla. 3 Q. Rocio? Could you -- 4 A. R-O-C-I-O, Sevilla. 5 Q. Okay. 6 A. S-E-V-I-L-L-A. 7 Q. Okay. 8 A. Teresa Morning. 9 Q. Teresa Morning, like good morning? 10 A. Uh-huh. Ruby Proctor. 11 Q. Ruby Proctor. Okay. Anybody else, that you 12 can -- 13 A. And I can't remember her first name. It's -- 14 her -- it's Ms. Pope. I want to say -- I can't recall 15 the first name, now. But, Pope, P-O-P-E. 16 Q. Oh, okay. Like the Pope. Okay. 17 A. Those were the ones that -- the ones I could 18 remember. 19 Q. Were these -- I'm presuming four women under 20 your chain of command? 21 A. Correct. 22 Q. Okay. Were they all nurses? 23 A. PCAs, nurse aides, I think that's correct. 24 Q. And PTA would physical therapy assistant? 25 A. PCA is patient care assistants.</p>	<p>1 from Tyler? 2 A. After I had come back to work from bereavement 3 leave I did. 4 Q. Okay. And so you asked an opportunity, I 5 guess, in essence to visit with people in your chain of 6 command what's this all about? 7 A. Correct. 8 Q. Did you get an opportunity to visit with chain 9 of command when you returned? 10 A. Correct. I visited with Ms. Gotcher and 11 Ms. Melton. 12 Q. Okay. Was that a personal visit like we're 13 having today? I mean, you got down -- 14 A. Well, they came out -- they came to the 15 facility, and we met in a private area, in a conference 16 room, to discuss what -- what had taken place, and 17 what -- what was said. So, I guess, pretty much. 18 Q. How long did this meeting last? Do you 19 remember? 20 A. I want to say maybe an hour. 21 Q. Okay. 22 A. If not longer, a little longer. 23 Q. Did you have an opportunity then to learn of 24 what prompted the investigation? 25 A. At that time I did ask because that was my</p>
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<p>1 Q. Oh, PCA. Okay. Anything else? 2 A. That's it. 3 Q. Okay. See, I told you that's how the memory 4 worked. And did I understand you correctly that this 5 investigation occurred over two consecutive days? 6 A. From my understanding. As stated earlier, I 7 was out on pretty much bereavement leave during the 8 whole onsite investigation. 9 Q. Oh, okay. Okay. Did -- were you ever given 10 an opportunity to tell your side of the story, so to 11 speak? 12 A. Yes. If I can finish just explaining the 13 onsite investigation. 14 Q. Sure. 15 A. At the time I supervised like 42 people. 16 Q. Right. 17 A. Okay? And as far as explaining my side of it 18 I can't remember, maybe a week or later, I e-mailed 19 Ms. Gotcher and/or Ms. Melton. I think maybe 20 Ms. Melton and copied Ms. Gotcher or vice versa and 21 requested that -- that I meet with them to basically 22 find out what was said or what the decisions was or -- 23 to basically figure out what had went on and what the 24 conclusions were. 25 Q. I presume you did that after you had returned</p>	<p>1 first available opportunity to ask. And I can't 2 remember if it was Ms. Gotcher or Ms. Melton said that 3 at Mr. Watson's request because there were a high 4 turnover in vacancy rates. 5 Q. Vacancy? 6 A. Vacancy rates and high turnover. 7 Q. Okay. Now, turnover, would this be in dealing 8 with employees? 9 A. Correct. 10 Q. And vacancy rate would be, we have a position 11 here and there's nobody in it? 12 A. Turnover is employees leaving. Vacancy rate 13 is -- was authorized and assigned what percentage is 14 vacant. 15 Q. In other words, if you had say those 42 16 positions and there was really -- you were authorized 17 for -- to pick a number, 50, then your vacancy rate 18 would be eight, for instance? 19 A. The difference. 20 Q. If I'm understanding you? 21 A. Correct. Correct. 22 Q. Okay. Okay. And then your turnover rate 23 would be you might have all 50 positions filled, but -- 24 but people are continually leaving? 25 A. Correct.</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. I just wanted to make sure I understood 2 what we were talking about there. So, okay. Back to 3 the meeting then with Ms. Gotcher and -- and who else? 4 You told me, and I already forgot. 5 A. Ms. Melton. Georgia Melton. 6 Q. Melton. Okay. And so, they told you that the 7 onsite investigation was started at Mr. Watson's 8 request? 9 A. Uh-huh. 10 Q. Is that correct? 11 A. Uh-huh. Correct. 12 Q. And did they say what prompted him to ask for 13 an investigation? 14 A. Not in so many words, but it was just that at 15 his request because of the turnover -- 16 Q. Oh, okay. You just told me. 17 A. -- and the high vacancy rate. 18 Q. Okay. And did you What else did you all talk 19 about at that meeting? 20 A. What some of the employees had said, some of 21 their alleged complaints, what their -- what their 22 outcome was. I mean, what -- what the -- when I say 23 outcome, is that they were going to come back and meet 24 with me and the staff. So, pretty much the decision of 25 how to handle the situation.</p>	<p style="text-align: right;">Page 80</p> <p>1 steps that they were going to take then to try to 2 remedy the situation? 3 A. They were going to come back out and meet with 4 me and the employees -- 5 Q. Who was they? 6 A. Ms. Gotcher and Ms. Melton. 7 Q. Okay. 8 A. Well, let me back up. 9 Q. Sure. 10 A. Ms. Gotcher came back out and met with me and 11 the employees. 12 Q. Was this a meeting in a con -- big conference 13 room or was it -- 14 A. We had the same -- it was a private conference 15 room. I mean, that's where they have meetings. 16 Q. I guess, it was a poor question on my part. 17 Did they sit -- did Ms. Gotcher sit down with you and 18 an employee one on one, so to speak or did they -- 19 excuse me -- 20 A. No. 21 Q. -- address people in a group? 22 A. Okay. It was -- it was me, Mr. Watson, 23 Ms. Gotcher and a group of people. 24 Q. Okay. Of your employees? 25 A. My employees.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Okay. And what were some of the complaints? 2 A. Okay. Let me see. That it -- it was kind 3 of -- they were really general. One of them said that 4 I let one of the black employees leave, come and leave 5 when she get ready, that during Hurricane Ike I had fed 6 some black employees that come from the South to help 7 out -- 8 Q. That you had what? 9 A. I had fed, given them some food. 10 Q. Oh. Okay. Go ahead, I'm sorry. 11 A. Let me see, give them some food. That I had 12 went in the emergency room, changed some things around 13 in the employees' work set. Some of the employees felt 14 like I wasn't approachable. 15 Q. Approachable, did you say? 16 A. Approachable. Their determination was that it 17 was a polarized racial issue. That's just what I can 18 remember right off the top of my head. 19 Q. Okay. And that was the general gist of what 20 you were told some of the employees had said? 21 A. Well, I think the polarized racial issue was 22 their determination -- 23 Q. Okay. 24 A. -- or conclusion. 25 Q. Okay. And then did they also tell you what</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. Were there any employees from the other nurse 2 manager? I can't remember her name. 3 A. No. And I wanted to -- I wanted to back up, 4 and -- and I didn't know where to stop to back up. 5 Q. Okay. 6 A. But, no. And -- and just because you -- we 7 landed there, I'm going to go ahead and make the 8 statement. Even though the e-mail included the other 9 nurse manager's employees, when they came out and did 10 the onsite investigation they never went to the other 11 nurse manager's building, which was probably less than 12 300 feet. And at the time her vacancy rate was much 13 higher than mine, her staffing levels much critical 14 than mine. They never set foot in her building, none 15 of her employees were interviewed, and she was not 16 subjected to demoralizing treatment. 17 Q. And you told me this woman's name, but I -- 18 A. Joyce Bahns. 19 Q. So, the -- so, your co-nurse manager at the 20 Estelle Unit was Joyce Bahns? 21 A. Correct. 22 Q. And -- and I gathered from your answer that 23 you were each given, kind of, two separate buildings 24 to -- to run? 25 A. She had -- on the complex is four buildings.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. Okay.</p> <p>2 A. There's four buildings. She was the manager</p> <p>3 of one of the buildings.</p> <p>4 Q. Okay.</p> <p>5 A. And I was the manager of the other three</p> <p>6 buildings.</p> <p>7 Q. Okay. Did you have roughly the same number of</p> <p>8 employees?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. How many employees do you --</p> <p>11 A. I cannot recall. She probably had probably</p> <p>12 half, and that's just a ballpark figure. Probably half</p> <p>13 of the amount of employees that I had.</p> <p>14 Q. As you were a nurse manager there, I guess, if</p> <p>15 you had three buildings, did you have three types of</p> <p>16 care to give in each building or --</p> <p>17 A. The -- the RMF was the inpatient, and the</p> <p>18 other two --</p> <p>19 Q. What does that mean?</p> <p>20 A. The Regional Medical Facility.</p> <p>21 Q. Okay. Thank you.</p> <p>22 A. It was the inpatient building. The other</p> <p>23 three stand alone -- well, the other two were</p> <p>24 outpatient. So, there were different care in each</p> <p>25 building.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. And then, at some point, then, if I understood</p> <p>2 you correctly, Ms. Gotcher came out with -- and you and</p> <p>3 Ms. Gotcher met with a group of your employees in --</p> <p>4 privately --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- in a little conference room or big</p> <p>7 conference room?</p> <p>8 A. In a conference room.</p> <p>9 Q. And how long did that meeting take?</p> <p>10 A. Maybe an hour, a little over.</p> <p>11 Q. What was said at that meeting?</p> <p>12 A. Pretty much Ms. Gotcher summarized the meeting</p> <p>13 for all of the staff, and she, basically, said, "Some</p> <p>14 of you would like Ms. Fisher gone, and Ms. Fisher would</p> <p>15 like to see some of you gone. But, pretty much, these</p> <p>16 are my expectations." She gave me expectations.</p> <p>17 "These are my expectations for Ms. Fisher," which I</p> <p>18 think was like five or six. "This is my expectation</p> <p>19 for the staff," which was like five or six. "And I'll</p> <p>20 be back out to reevaluate in 90 days."</p> <p>21 Q. Okay. On the list of expectations that were</p> <p>22 given to you by Ms. Gotcher, was there anything out of</p> <p>23 the ordinary or offensive about that list of</p> <p>24 expectations that she gave you?</p> <p>25 A. The list, to me, the whole entire list was</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Okay. And you were the nurse manager for</p> <p>2 the -- the inpatient and then, the two outpatient</p> <p>3 buildings?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And then, Ms. Bahns was the nurse</p> <p>6 manager for the four building which dealt with what?</p> <p>7 A. Outpatient.</p> <p>8 Q. Okay.</p> <p>9 A. Which is less than probably 300 feet.</p> <p>10 Q. The actual facility?</p> <p>11 A. Right. It has a connecting sidewalk.</p> <p>12 Q. Do you know what the turnover rate was for</p> <p>13 Ms. Bahns or the vacancy rate at this time?</p> <p>14 A. No. I have documentation that shows the</p> <p>15 vacancy rates for the whole cluster, but I can't recall</p> <p>16 it, and I don't -- I don't have it here with me.</p> <p>17 Q. Okay. And by cluster, what -- what's that?</p> <p>18 A. The Huntsville Cluster. Those --</p> <p>19 Q. All of them?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you have documents that show what</p> <p>22 the vacancy rate or turnover rate was for the facility</p> <p>23 under the direction of Ms. Bahns?</p> <p>24 A. I have a facility -- a vacancy facility rate</p> <p>25 during that time.</p>	<p style="text-align: right;">Page 85</p> <p>1 offensive because I did not -- I felt like they took</p> <p>2 employees' allegations and did not research any of them</p> <p>3 to find out if there was any validity to them. But,</p> <p>4 yet, and still I was expected to switch a behavior</p> <p>5 because of what an employee had said.</p> <p>6 Q. Were you given an opportunity in your meeting</p> <p>7 be -- to -- when you were told about the gist of the</p> <p>8 onsite investigation's conclusions or what the</p> <p>9 employees have told them, were you given an opportunity</p> <p>10 to address those employee complaints?</p> <p>11 A. Pretty much I was. Yes. I -- I, pretty much,</p> <p>12 told my side of the story.</p> <p>13 Q. Okay. And then, the list of expectations came</p> <p>14 to your attention?</p> <p>15 A. Not that day. Not that day. In a complete</p> <p>16 different meeting.</p> <p>17 Q. A few days later or a week?</p> <p>18 A. I don't know if it was a few days later or a</p> <p>19 week. I can't remember. It wasn't that long. It was</p> <p>20 shortly after.</p> <p>21 Q. That's -- okay. The sequence was, you had a</p> <p>22 meeting, got to tell your side of the story, and then,</p> <p>23 some time later you had, what I'm calling, the group</p> <p>24 meeting?</p> <p>25 A. Correct.</p>

22 (Pages 82 to 85)

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<p style="text-align: right;">Page 86</p> <p>1 Q. Okay. Did you look at the list of 2 expectations that were given to the -- your employees? 3 A. Did I look at them? I wrote them down. 4 Q. Oh, okay. So, the list -- Ms. Gotcher gave 5 you your list of expectations, and you gave the 6 employees a list of expectations? How -- 7 A. No. She -- she -- in a meeting, just in a 8 discussion, she basically was summarizing it all, and 9 she said, "I'm going to give -- this is Ms. Fisher's 10 expectations," and I wrote them down. "This is the 11 employees' expectations," and I wrote them down. "And 12 I'll be back out in 90 days." 13 Q. Okay. When you say, "I wrote them down," 14 you -- 15 A. I wrote them down. 16 Q. Okay. You -- you were taking notes in 17 essence? 18 A. Yes, sir. 19 Q. Okay. And then, did -- so, the list of 20 expectations for you and the group of employees came 21 from Ms. Gotcher? 22 A. Correct. 23 Q. At that meeting? 24 A. Correct. 25 Q. Okay. And did -- did you have any sort of</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I can't -- not -- not that I really remember. 2 Q. Okay. Well, again, if something pops like it 3 did with names of the people, tell me if it pops into 4 your mind, just interject. Okay? 5 A. Okay. 6 Q. At that point, did you file a written 7 grievance? 8 A. No, sir. 9 Q. 'Cause -- that -- that was poorly worded. 10 Look -- look at Paragraph 33 of your Plaintiff's 11 Exhibit 1 or your complaint. It says, "Fisher 12 exercised her protected right by filing a grievance 13 which pointed out that the other white managers had 14 higher turnover vacancy rates, etcetera." Does that 15 refresh your recollection? Did you file a written -- 16 A. I don't think I filed a grievance at that 17 point. 18 Q. Oh, okay. 19 A. I -- I don't think I filed a grievance at that 20 point. I would have to actually look at the grievance 21 itself to recall actually when I filed it. But, I 22 don't think it was right after the meeting. 23 Q. After it. Okay. Go to Paragraph 36. At some 24 point after this, it says that you were given a poor 25 performance evaluation. Do you see that?</p>
<p style="text-align: right;">Page 87</p> <p>1 problems with list of expectations given to the 2 employees? 3 A. Off of what she felt I wasn't in the meeting, 4 I don't know really what the employees complained of. 5 But, what she expected the employees to do was pretty 6 much what I was trying to do anyway, flow, be 7 versatile, follow the chain of command, and I can't 8 remember all of them. But, no. No, sir. I didn't. 9 Q. What were -- do you remember what was on your 10 list of expectations? 11 A. My list was to be, in so many words, be -- be 12 approachable, treat everybody the same, don't move 13 anything without asking some, you know, getting, I 14 guess, in other words, the approval or the buy-in of 15 the staff -- 16 Q. Approval by what? 17 A. Like, they complained that I went into the ER 18 and moved things around. And so, I guess, it was -- it 19 was in so many words that if you're going to move 20 something or change something, you need to let the 21 staff know, pretty much get their opinion, is the way I 22 took it. 23 Q. Okay. Anything else? Be approachable, treat 24 everyone the same, don't move stuff without letting the 25 staff know, anything else that you can --</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes, sir. 2 Q. Now, I think, customarily did UTMB give you an 3 annual performance evaluation? 4 A. We have semi-annual and annual evaluations. 5 Q. Oh, okay. This performance evaluation you're 6 talking here in Paragraph 36, is that a semi-annual or 7 an annual or do you remember? 8 A. If I can remember correctly, that was a semi- 9 annual evaluation that was actually due in December 10 that he did not present to me for two or three months 11 after. 12 Q. So, it would have been due in December and it 13 didn't get around to you till some time in the 14 spring -- 15 A. In March. 16 Q. -- or so. 17 A. If I can remember correctly. 18 Q. Okay. 19 A. It should have been given to me in December, 20 but it was not. It wasn't presented to me till 21 somewhere around March. 22 Q. And it looks like -- are we around the year 23 2007 now? 24 A. Six. 25 Q. Six?</p>

23 (Pages 86 to 89)

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<p style="text-align: right;">Page 90</p> <p>1 A. I think.</p> <p>2 Q. Six. No, you're right. Six. Okay. I'm</p> <p>3 looking at March 7th. Okay. So anyway, What did you</p> <p>4 consider -- what areas did you consider to be incorrect</p> <p>5 in evaluating you as an employee?</p> <p>6 A. The whole evaluation.</p> <p>7 Q. Was this on a form?</p> <p>8 A. Yes, sir.</p> <p>9 Q. 'Cause the forms I have seen have various</p> <p>10 areas, you know --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- how you work with others, skill and</p> <p>13 knowledge of the --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- subject area, yatta, yatta (sic). You've</p> <p>16 seen -- they have 16, 12, whoever knows how many. Is</p> <p>17 that kind of performance evaluation we're talking</p> <p>18 about?</p> <p>19 A. If I can remember correctly, yes. 'Cause we</p> <p>20 do have a semi-annual evaluation form, and we have an</p> <p>21 annual evaluation. But, I think it was -- the semi-</p> <p>22 annual was put on an annual evaluation, which is the</p> <p>23 one you're talking about.</p> <p>24 Q. It's a form?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. And this demotion was from what</p> <p>2 position to what position?</p> <p>3 A. Well, that's kind of interesting. Because the</p> <p>4 demotion letter actually itself stated that I was being</p> <p>5 demoted from a nurse manager to a nurse clinician.</p> <p>6 Q. And where in the pecking order would nurse</p> <p>7 clinician be?</p> <p>8 A. Two levels down. You have your R.N., your</p> <p>9 assistant nurse manager, and your nurse manager.</p> <p>10 Q. Okay. I -- I'm a little confused. Let's</p> <p>11 start at the top. Nurse manager, assistant nurse</p> <p>12 manager, and then, would that --</p> <p>13 A. Nurse clinician III, nurse clinician II, nurse</p> <p>14 clinician I.</p> <p>15 Q. And that would be from top down?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Okay. So, you were dropped from nurse manager</p> <p>18 down to nurse clinician III --</p> <p>19 A. If I can remember --</p> <p>20 Q. -- in the letter?</p> <p>21 A. -- if I can remember, it was a nurse clinician</p> <p>22 III. I'm sure it was nurse clinician on the initial</p> <p>23 demotion, if I recall correctly. But, I'm -- I'm</p> <p>24 pretty sure it was a Level III.</p> <p>25 Q. Okay. And as a practical matter, where were</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. And do you remember what areas you were given</p> <p>2 a poor evaluation in?</p> <p>3 A. The whole evaluation was poor.</p> <p>4 Q. Did you have an opportunity to sit down with</p> <p>5 Mr. Watson and go over that evaluation form?</p> <p>6 A. I had asked for a meeting with Mr. Watson, and</p> <p>7 the meeting was scheduled or at least the meeting was</p> <p>8 said that we would meet with you when you come back</p> <p>9 because I had -- at that point I was getting ready to</p> <p>10 go off for a week -- a week. My -- my little boy had</p> <p>11 surgery, so --</p> <p>12 Q. Okay.</p> <p>13 A. -- I had taken a week off. So, pretty much,</p> <p>14 the -- when I got the evaluation I did a rebuttal to</p> <p>15 the evaluation and I --</p> <p>16 Q. A written?</p> <p>17 A. A written rebuttal, and I asked that -- if I</p> <p>18 could meet with him when I got back. And it was pretty</p> <p>19 much, kind of, passed on to "yeah, yeah, whatever, when</p> <p>20 you come back, and I'll sit down and talk to you about</p> <p>21 it."</p> <p>22 Q. Did you eventually talk with Mr. Watson about</p> <p>23 it?</p> <p>24 A. The day I came back off of that week leave, I</p> <p>25 received my demotion letter.</p>	<p style="text-align: right;">Page 93</p> <p>1 you demoted to? Do you remember?</p> <p>2 A. Rephrase that question, please.</p> <p>3 Q. Yeah. 'Cause I thought, correct me if I'm</p> <p>4 wrong. I thought you were demoted when it all shook</p> <p>5 out only to assistant nurse manager?</p> <p>6 A. That is correct. When it all shook out.</p> <p>7 Q. Okay. Well, let's talk about how it got</p> <p>8 shaken out. You get a letter giving you a demotion?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And somehow the demotion changed from nurse</p> <p>11 clinician III to assistant manager?</p> <p>12 A. Correct.</p> <p>13 Q. Nurse -- assistant nurse manager?</p> <p>14 A. Correct.</p> <p>15 Q. Did you do anything to get it changed from</p> <p>16 nurse clinician to assistant nurse manager?</p> <p>17 A. Well, I got the demotion letter, I filed an</p> <p>18 appeal.</p> <p>19 Q. Okay. And to -- to whom -- is that to HR?</p> <p>20 A. To HR.</p> <p>21 Q. Okay. And was the appeal then handled or what</p> <p>22 happened? You filed an appeal what happened?</p> <p>23 A. The first level appeal it was -- finally came</p> <p>24 maybe weeks later 'cause you have -- you know when you</p> <p>25 file an appeal and grievances is all time line. So,</p>

24 (Pages 90 to 93)

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<p style="text-align: right;">Page 94</p> <p>1 the first appeal that I file -- filed it -- it 2 eventually way at the deadline I was sent a letter. 3 Q. Saying what? 4 A. At that time, I think it said that I would be 5 demoted to an assistant nurse manager and report to the 6 Wynne Unit. 7 Q. Okay. So, they reduced the terms of your 8 demotion? 9 A. Correct. 10 Q. And so, when the appeal worked its way through 11 the process you got another letter saying you're going 12 to win and you're being demoted to assistant nurse 13 manager. Did I understand you correctly? 14 A. Correct. 15 Q. Okay. And how long did that -- that take? 16 And again, I don't need the exact -- was it -- 17 A. Let's see. 18 Q. -- days or weeks? 19 A. Probably weeks. 20 Q. Okay. Did you take -- what happened then? 21 A. What do you mean what happened then? 22 Q. You're -- you've gotten a second letter saying 23 okay, go to Wynne, and it's not to nurse clinician. 24 It's to -- to assistant nurse manager. 25 A. Okay. Let me --</p>	<p style="text-align: right;">Page 96</p> <p>1 assistant nurse to a staff nurse again. 2 Q. Would that be nurse clinician? Is that the 3 same thing? 4 A. Uh-huh. 5 Q. Yes? 6 A. Correct. 7 Q. Okay. And what happened? That would be your 8 third letter. 9 A. Correct. 10 Q. Okay. And after your third letter, did -- did 11 you appeal either the second or third letter? 12 A. I appealed each of them. 13 Q. Okay. Did any of the demotions that you got 14 have anything to with the B -- Board of Nursing 15 Examiner findings? 16 A. The last demotion that they said -- they were 17 demoting me from the assistant nurse manager to the 18 R.N., it eluded because -- that it was because of the 19 BON order. The Board of Nurse -- 20 Q. The Board of Nursing Examiners? 21 A. Right. Because of the order. 22 Q. Okay. 23 A. Then I appealed it which says that there was 24 no stipulations put on my license. I've been 25 functioning as a managers position since '05, two years</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Then what happened? 2 A. Okay. Let me -- let me back up. When I got 3 the first demotion letter and I did the first appeal, 4 at that time I went out to take care of my son on 5 family medical leave. So, I got this letter while I 6 was out -- 7 Q. The second letter? 8 A. Correct. 9 Q. Okay. 10 A. And then, when I returned I went to Wynne as 11 the assistant nurse manager. 12 Q. Okay. And how long did you work then at Wynne 13 as the assistant nurse manager? 14 A. From like June '07 till I was reinstated as 15 the nurse manager, which I'm still at Wynne. Wynne is 16 still one of my units. 17 Q. Okay. 18 A. So, I worked there as assistant nurse manager 19 from June -- around June '07. 20 Q. Till -- then you -- it's my understanding, at 21 some point, you were -- that demotion was reversed as 22 well and you were put back to being a nurse manager? 23 A. Well, that is correct. Ultimately, at the 24 end. But, in between -- in between being put back as a 25 nurse manager, I got another letter to demote me from</p>	<p style="text-align: right;">Page 97</p> <p>1 ago, and when it was convenient for me to do it, it was 2 okay. But, now that I keep the appeals and grievances, 3 then all of a sudden, it's a problem. You can't 4 function as a manager anymore. Whereas, in the appeal 5 I did make it known that there had been other Caucasian 6 people that had Board stipulations that functioned in 7 manager positions. 8 Q. And who would those be? 9 A. I know for a fact one of -- well, I can't say 10 I know for a fact, but I have a very good -- Lavana 11 Wright was one of them that had had past Board 12 stipulations. And I want to say, and I'm not really 13 sure, but I have all the information at home, I think, 14 it was Dr. Cherian which was -- had been a facility 15 medical director with Board stipulations all under 16 UTMB. 17 Q. Doctor what? 18 A. I think it was Cherian. 19 Q. Like the fruit, cherry man, as far -- 20 A. C-H-E-R-I-A-N. 21 Q. All right. Oh, Cherian. Okay. Was he a 22 medical doctor? 23 A. Medical, yes. He was the medical director 24 for -- 25 Q. Have you reviewed the records for Ms. Wright</p>

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<p style="text-align: right;">Page 98</p> <p>1 or Dr. Cherian?</p> <p>2 A. Ms. Wright, I do not have and actually, I</p> <p>3 don't know why I did not go ahead and submit those</p> <p>4 to -- to the Opens Records Act. But, I did get</p> <p>5 Dr. Cherian's through Open Records Act. And I'm not</p> <p>6 quite sure why I did not get Ms. Wright's. Why I</p> <p>7 didn't pursue it, should I say.</p> <p>8 Q. At -- so, you got -- you got a third letter,</p> <p>9 if I understand correct, saying you're a nurse</p> <p>10 clinician, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you appealed that through the UTMB system?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Correct?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Yes (whispering).</p> <p>17 A. Yes, sir.</p> <p>18 Q. There you go. And what happened on that</p> <p>19 appeal? This would be the -- on the third letter?</p> <p>20 A. None of my appeals were -- except the first</p> <p>21 appeal was answered. The second and the third appeal</p> <p>22 was never -- I never received a written response.</p> <p>23 After the third appeal, then shortly after that I</p> <p>24 received a letter stating, "Here's some back pay," but</p> <p>25 it did not have a title or position change, which we</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. And so, do you remember, was -- was</p> <p>2 there check included with the first set of</p> <p>3 correspondence?</p> <p>4 A. I think there was a check, if I can recall</p> <p>5 correctly.</p> <p>6 Q. Did you -- do you remember the amount of the</p> <p>7 check?</p> <p>8 A. No, not -- not right offhand.</p> <p>9 Q. Do you know -- do you know whether or not the</p> <p>10 check that was sent to you was in the correct sum for</p> <p>11 your back pay?</p> <p>12 A. I don't -- I don't -- in my opinion, no sir.</p> <p>13 It was -- I didn't, you know, it's an undetermined</p> <p>14 amount of what -- how much it should have been, but I</p> <p>15 know that it did not include one raise that they got</p> <p>16 that I was denied because they said I was in</p> <p>17 disciplinary status.</p> <p>18 Q. And so, I think you answered my question. I</p> <p>19 want to be clear. You didn't take the amount of the</p> <p>20 check and do any independent calculations and said,</p> <p>21 "Yeah, this sum equals by back pay or no this sum is</p> <p>22 less than my back pay by X dollars," correct?</p> <p>23 A. I roughly did calculations on the salary -- on</p> <p>24 my previous salary of nurse manager, previous, but --</p> <p>25 Q. Okay. Thank you.</p>
<p style="text-align: right;">Page 99</p> <p>1 rejected it. In the end, I received another letter</p> <p>2 stating that your client is being reinstated in whole</p> <p>3 to a nurse manager with all back pay.</p> <p>4 Q. Okay. And this came from HR? Do you</p> <p>5 remember?</p> <p>6 A. It came from -- I can't ask any questions -- I</p> <p>7 can't --</p> <p>8 Q. You can ask me questions. I mean, I may not</p> <p>9 know the answer.</p> <p>10 A. I'm sure it -- it may have come from the legal</p> <p>11 office in Galveston. I don't think it came from</p> <p>12 Ms. Raeder's office. I think it came from the legal</p> <p>13 office in Galveston.</p> <p>14 Q. But, at some point, and correct me if I'm</p> <p>15 wrong, you got a letter with a check in it with back</p> <p>16 pay? And then, you got another letter saying you're</p> <p>17 back to nurse manager? Did I understand you correctly?</p> <p>18 A. Correct.</p> <p>19 Q. So, you got two -- two sets of correspondence?</p> <p>20 A. Correct. Final -- final sets, after many</p> <p>21 appeals and grievances. The final correspondence was,</p> <p>22 "This is your back pay as a settlement," and then, we</p> <p>23 rejected that and then, the final correspondence was,</p> <p>24 "Here's your letter, we're reinstating you to nurse</p> <p>25 manager."</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes. But, I did not do any detailed</p> <p>2 calculations as -- in comparison as what raise -- what</p> <p>3 the amount would have been if I would have got the</p> <p>4 raise.</p> <p>5 Q. Was this a merit raise or a standard kind of,</p> <p>6 for lack of better term, cost of living adjust --</p> <p>7 A. It was a merit -- if I'm not mistaken, it was</p> <p>8 a merit raise because you didn't -- if you was in</p> <p>9 disciplinary you didn't get merit increases, you</p> <p>10 forfeited.</p> <p>11 Q. And I want to be clear too, although I think</p> <p>12 you've answered it. You've got a check, but you sent</p> <p>13 it back, you didn't cash it?</p> <p>14 A. No. We didn't send it back. I held the</p> <p>15 check --</p> <p>16 Q. Okay.</p> <p>17 A. -- until -- and was I was reinstated</p> <p>18 everything was reinstated, then I cashed the check or</p> <p>19 deposited the check.</p> <p>20 Q. Okay. So, once you got the second set of</p> <p>21 correspondence that says, Okay. You're back to nurse</p> <p>22 manager, then you cashed the check you'd gotten in the</p> <p>23 first set of correspondence, if -- is that correct?</p> <p>24 A. I think that is correct. I don't remember the</p> <p>25 exact date.</p>

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<p style="text-align: right;">Page 102</p> <p>1 MS. JO MILLER: Objection, assumes facts 2 not in evidence. She's not -- not clear on the 3 sequence of events. 4 THE WITNESS: Yeah. When I cashed the 5 check, but -- 6 BY MR. LIVELY: 7 Q. Eventually, you did cash the check? 8 A. Eventually. 9 Q. And -- and you did get the demotion reversed 10 and put back as a nurse manager. 11 MS. JO MILLER: Objection, assumes 12 facts -- in -- not evidence as to demotion reversed. 13 THE WITNESS: Yes. 14 BY MR. LIVELY: 15 Q. Okay. And since -- do you remember when it 16 was that you got the letter putting you back as a nurse 17 manager? 18 A. I don't really remember the exact date, but I 19 guess it would be somewhere around April, May of '07. 20 Q. And since then you have been a nurse manager 21 at the Wynne Unit? Am I -- am I -- 22 A. Wynne and Goree Units was the initial 23 reinstatement. 24 Q. Okay. 25 A. And then, I was re -- re, I guess, kind of</p>	<p style="text-align: right;">Page 104</p> <p>1 manager? 2 A. Correct. 3 Q. Okay. And have you received any raises, 4 merit, cost of living or otherwise since you were 5 reinstated? 6 A. Yes, sir. 7 Q. I didn't hear you? 8 A. Yes, sir. 9 Q. Okay. And I think when you got the check and 10 the reinstatement, that happened through the policies 11 or the internal procedures of the dealing with UTMB and 12 human resources? 13 MS. JO MILLER: Objection, calls for 14 speculation. If you know. 15 THE WITNESS: Actually, I had filed an 16 outside EEOC complaint. And the reinstatement and the 17 back pay came after the EEOC made their final ruling. 18 BY MR. LIVELY: 19 Q. Okay. Okay. I'd like you to go -- I've got 20 to find it here, there was an allegation in your 21 original complaint -- 22 MS. JO MILLER: Exhibit Number 1? 23 BY MR. LIVELY: 24 Q. Yes, yes. Exhibit Number 1 about sexual 25 harassment or something along those lines, and I'm</p>
<p style="text-align: right;">Page 103</p> <p>1 reassigned to Wynne and Ellis. And that's where I am 2 currently. 3 Q. Where you working at now? That was I guess -- 4 A. Wynne and Ellis Facilities. 5 Q. Are those two normally linked together? 6 A. No. What had happened was when I was 7 reinstated, it kind of broke up what we call the normal 8 cluster arrangements because, I guess, I was an extra 9 person now. So, they -- it kind of divided the units 10 in a different shape. 11 Q. Okay. Are the Wynne and Ellis Units separate 12 physically? 13 A. Yes. 14 Q. And then, I guess, how many -- do you have the 15 same number of people, less people to -- to handle? 16 A. In comparison to what, what units? 17 Q. When you were talking about when you had 42, 18 some odd, remember that? 19 A. Yes. This is less people. 20 Q. Less people. Do you have an assistant nurse 21 manager? 22 A. Yes. 23 Q. Okay. And that's where you've been -- you've 24 been in that position then since -- what do you -- I 25 want to use your term, you were reinstated as nurse</p>	<p style="text-align: right;">Page 105</p> <p>1 trying to find it here. Here we go. Paragraph 38 of 2 Exhibit 1 of the original complaint. Do you have that? 3 A. Yes, sir. 4 Q. It says here that you had complained Defendant 5 Watson's unwelcome and inappropriate sexually comments. 6 Do you see that? 7 A. Yes, sir. 8 Q. Okay. Could you tell me about that, please? 9 A. In a meeting that I had with Ms. Gotcher and 10 Ms. Melton, I had noted the fact that we were all in 11 a -- one of the interview sessions. And I was drinking 12 a bottle of water, and I drunk the water and, you know, 13 how the sides kind of pop or kind of collapse in and 14 Mr. Watson made the statement that, in so many terms 15 that, he was impressed that we -- he bet that we could 16 have a good time. 17 Q. To -- to the best of your recollection, what 18 were the exact words that Mr. Watson used? 19 A. Something to my about suction in eluding oral 20 sex. 21 Q. So, is -- is the only word that you actually 22 remember him saying, and please correct me if I'm 23 wrong, is something about suction? 'Cause I'm trying 24 to get -- 25 A. I -- I can't really recall. I have it written</p>

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<p style="text-align: right;">Page 106</p> <p>1 down. I can't recall, at this time, the exact comment 2 he made. But, it was eluding that when I drunk and the 3 bottles collapse, the comment he made was about oral 4 sex. It was related in nature to oral sex. 5 Q. Okay. And do you remember -- Paragraph 38 6 says that on March 7th you complained UTMB of this 7 episode. You see that? 8 A. Yes, sir. 9 Q. So, it must have happened before March 7th of 10 2006? 11 A. That's what my original complaint states so, I 12 have no reason to believe that it didn't. 13 Q. Who did you complain to about this? 14 A. Ms. Gotcher and Ms. Melton. 15 Q. Were they at the meeting? 16 A. No. When I met with them -- I had met with 17 Ms. Gotcher and Ms. Melton at least one or two other 18 times about complaints about Mr. Watson. And -- and it 19 was told during one of the meetings -- 20 Q. You told them about that during one of the -- 21 A. Correct. 22 Q. Okay. Are there any other episodes of 23 unwelcome or inappropriate sexual comments that we 24 haven't talked about other -- 25 A. Well, I mean, he -- he would make them, I</p>	<p style="text-align: right;">Page 108</p> <p>1 A. In short pants? I have never wore short pants 2 to work. That is not even part of the dress code, and 3 you can't even get in our units with short pants on. 4 Q. Did you ever -- did you do it a Christmas 5 party? 6 A. Christmas party. I think we -- I've taken a 7 picture at a Christmas party, but I don't remember what 8 I had on. 9 Q. Why don't we take a little break. I don't 10 think I've got a lot more, maybe half hour or so. But, 11 I'm going to take -- I need to take a little break. 12 (Off the record.) 13 MR. LIVELY: We're back on the record? 14 COURT REPORTER: Yes, sir. 15 BY MR. LIVELY: 16 Q. Okay, we're back on the record, Ms. Fisher. 17 A. Okay. 18 Q. And I'm going to try to kind of cut down some 19 of the questions. And we've been talking at some 20 length about the allegations in your original complaint 21 today, have we not? 22 A. Correct. 23 Q. Does your original complaint set forth all the 24 acts or omissions that you claim to have been racially 25 based?</p>
<p style="text-align: right;">Page 107</p> <p>1 mean, here and there. We had one nurse manager, Kim 2 Roddy, and you know, he'd make comments about her 3 breasts. And those are the only two that I can really 4 remember. 5 Q. What did he say about Kim Roddy's breasts? 6 A. I don't remember the exact words. But, the 7 content was, pretty much, she had nice, round breasts. 8 Q. How many times did he make a statement about 9 Ms. Roddy's breasts? He being Mr. Watson. 10 A. I only heard him say it once. 11 Q. Did you file any sort of written complaint 12 about these unwelcome and inappropriate sexual 13 comments? 14 A. No. I did not. I made -- I filed a verbal 15 complaint with the District and Divisional Director of 16 Nurses and the Human Resource Department. 17 Q. Okay. Who did you -- okay. Was that 18 Ms. Raeder? 19 A. Ms. Melton. 20 Q. Ms. Melton. Do you remember ever dressing up 21 in an elf costume with shorts? 22 A. Elf costume? I don't even have an elf 23 costume. No, sir. That never, ever happened. 24 Q. Did you ever shake your behind in a short- 25 shorts at a meeting or your -- at work?</p>	<p style="text-align: right;">Page 109</p> <p>1 MS. MILLER: Objection. Calls for a 2 legal conclusion. 3 THE WITNESS: To say that's accurate I 4 believe I'll have to defer to my attorney, but as far 5 as I'm concerned I would like to also include the 6 grievances and appeals. 7 MS. MILLER: I mean it's noticed 8 pleading, Sam. 9 MR. LIVELY: Huh? 10 MS. MILLER: It's noticed pleading. She 11 doesn't have to put all the facts in. 12 MR. LIVELY: No, I'm just trying to 13 shortcut. No, I understand. I'm not -- 14 (Other matters discussed.) 15 MR. LIVELY: Okay. Are we good to go? 16 COURT REPORTER: Yes, sir, we are. 17 MR. LIVELY: Okay. 18 BY MR. LIVELY: 19 Q. You mentioned that the grievances, and I 20 forget what else you said, the -- 21 A. My appeals. 22 Q. Okay, appeals. Those were somehow racially 23 discriminatory against you? 24 A. I said as far as -- if you would rephrase -- 25 ask me the question again so I'm clear.</p>

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<p style="text-align: right;">Page 110</p> <p>1 Q. We've spent a few hours here talking about 2 various things that are in your pleadings, correct? 3 A. Correct. 4 Q. And what I'm trying to do is have we covered 5 all the areas in your deposition today that you claim 6 were racially discriminatory against you? 7 MS. MILLER: Objection, calls for a legal 8 conclusion. She's not required to do noticed 9 pleadings. Are you asking her -- 10 MR. LIVELY: Yeah, let me rephrase. 11 MS. MILLER: Okay. 12 MR. LIVELY: Let me try to rephrase it. 13 BY MR. LIVELY: 14 Q. Are there any other actions or omissions of 15 the defendants in this case that you claim were 16 racially discriminatory against you that we have not 17 talked about in your deposition today? 18 A. We have not talked in detail about my appeals 19 or grievances, which are all stated as part of my 20 initial discrimination charge. 21 Q. Okay. And let's kind of break those down. 22 When was the first -- I'm going to chronology working 23 from back to the present, okay? When is the first 24 grievance or appeal that you took -- that you feel was 25 racially discriminatory?</p>	<p style="text-align: right;">Page 112</p> <p>1 felt were the racially discriminatory actions or 2 omissions of the defendants. Correct? 3 A. I would have to defer really to my attorney to 4 make sure I understand the question, but from my 5 understanding, yes. 6 Q. Yes. I mean when you filed a grievance or an 7 appeal in writing, whenever it was, you put forth facts 8 in there that you felt like were the basis of your 9 grievance or an appeal, correct? 10 A. Correct. 11 Q. And you did so I guess a lot closer to the 12 events than we are sitting here at your deposition 13 sometime later. 14 A. Correct. Each grievance or appeal followed an 15 incident. 16 Q. Fairly shortly thereafter. 17 A. Correct. 18 Q. Did anybody working at UTMB in your chain of 19 command, including Mr. Watson, people at Human 20 Resources, ever make any sort of comments to you that 21 you took to be racially offensive against you as an 22 African-American? 23 A. I really can't recall. 24 Q. You seemed a little -- 25 MS. MILLER: You mean specific racial</p>
<p style="text-align: right;">Page 111</p> <p>1 A. I would have to review the document. 2 Q. What documents -- 3 A. Because I can't -- the grievances to answer 4 that question. I can't even start answering that 5 without reviewing the records. 6 Q. Okay. I guess I'm a little confused. Are you 7 saying that it was racially discriminatory against you 8 because you had to file a grievance or an appeal? 9 A. No, that's not what I'm saying. I'm saying I 10 filed the grievances because of the racial 11 discrimination, retaliation, and harassment. 12 Q. Okay, okay. Okay. That's kind of what I was 13 trying to clear up. The fact that you had to undertake 14 the process at UTMB, that's not discriminatory. What 15 you're talking about is the facts that led up to you 16 filing the grievance or the appeal. 17 MS. MILLER: Objection, calls for -- 18 MR. LIVELY: Is that correct? 19 MS. MILLER: -- a legal conclusion. 20 BY MR. LIVELY: 21 Q. Is that correct? 22 A. Correct. 23 Q. Okay. And so we could take a look at where 24 it's in writing at least on the grievance or the 25 appeals, and those writings would set forth what you</p>	<p style="text-align: right;">Page 113</p> <p>1 terms. 2 MR. LIVELY: Yeah, let me -- 3 MS. MILLER: You're not -- 4 THE WITNESS: Yeah. 5 MS. MILLER: -- (indiscernible) racial 6 comments but you're asking specific -- 7 MR. LIVELY: Yeah, let me -- 8 MS. MILLER: -- (indiscernible). 9 MR. LIVELY: Let me rephrase in a 10 different context. 11 BY MR. LIVELY: 12 Q. Say this was a AIDS discrimination lawsuit and 13 somebody said -- and you were working for Target, and 14 one of your bosses said -- and you're 70 years old. 15 And the boss says we need to get rid of all these old 16 people. See, that would be kind of a remark that kind 17 of indicates that somebody's after you -- could be 18 construed as -- you see what I'm saying? 19 A. Uh-huh. 20 Q. So with that explanation, were there any sort 21 of comments specifically made by people along those 22 kind of lines that you took to be racially offensive 23 because you're an African-American? 24 A. Not that I can recall. 25 Q. Did UTMB or Mr. Watson ever tell you that you</p>

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<p style="text-align: right;">Page 114</p> <p>1 cannot file a grievance or an appeal?</p> <p>2 A. Cannot file a grievance. I'm not -- I don't</p> <p>3 understand what -- rephrase it, please.</p> <p>4 Q. You have -- during this whole process you've</p> <p>5 had an opportunity to file grievances or appeals of</p> <p>6 your demotion, for instance, have you not?</p> <p>7 A. For my demotion I filed basically appeals.</p> <p>8 For incidents I filed grievances.</p> <p>9 Q. Right. And in some cases those grievances</p> <p>10 were -- were they done in writing?</p> <p>11 A. They were.</p> <p>12 Q. And did anybody at UTMB, the Human Resources</p> <p>13 or Mr. Watson ever direct you or order you not to file</p> <p>14 an appeal or a written grievance about any of these</p> <p>15 problems?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. When you have -- in filing these written --</p> <p>18 these grievances and appeals you did so I guess in</p> <p>19 accordance, to your understanding, of proper procedure</p> <p>20 and policy for the UTMB Managed Care, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And nobody ever denied you the right to file</p> <p>23 an appeal or a grievance, did they?</p> <p>24 A. No one ever denied me the right to turn them</p> <p>25 in, but no one really answered either grievance that I</p>	<p style="text-align: right;">Page 116</p> <p>1 MS. MILLER: Objection, asked and</p> <p>2 answered.</p> <p>3 BY MR. LIVELY:</p> <p>4 Q. You can go ahead and answer.</p> <p>5 A. Pretty much to just see what the complaints</p> <p>6 were and, yes, to defend my own self.</p> <p>7 Q. Okay. Did you -- we already asked that, never</p> <p>8 mind. Strike that. When you were -- when you went</p> <p>9 from nurse manager to assistant nurse manager down to</p> <p>10 nurse clinician, during that process did your benefits</p> <p>11 stay the same?</p> <p>12 A. I never went to a nurse clinician. The first</p> <p>13 demotion letter stated that you are being demoted to</p> <p>14 nurse clinician. Then I received one from the appeal</p> <p>15 saying you are being demoted to the assistant nurse</p> <p>16 manager. Then after I served as assistant nurse</p> <p>17 manager for a year and a half, somewhere around in</p> <p>18 thereabout, then I got another letter saying you are</p> <p>19 being demoted to nurse clinician 3, and then I got a</p> <p>20 letter saying you're being reinstated to a nurse</p> <p>21 manager. So I only went from a nurse manager to an</p> <p>22 assistant nurse manager even though I received two</p> <p>23 letters stating that the intent was to demote me to a</p> <p>24 nurse clinician.</p> <p>25 Q. Do you know if Mr. Watson was the one that</p>
<p style="text-align: right;">Page 115</p> <p>1 filed or either of my last two formal appeals. So an</p> <p>2 act of omission to me is basically an act of</p> <p>3 negligence.</p> <p>4 Q. So the -- and we're talking there about</p> <p>5 appeals of your demotion that never got answered,</p> <p>6 correct?</p> <p>7 A. If I can remember correctly, the only formal</p> <p>8 response that I got back from an appeal that I filed</p> <p>9 was the very first one.</p> <p>10 Q. Okay.</p> <p>11 A. And they never responded to either of the</p> <p>12 other appeals nor did I get a response back from either</p> <p>13 grievance that I filed.</p> <p>14 Q. And were you ever denied the opportunity to</p> <p>15 tell your side of the story when somebody made a</p> <p>16 complaint against you?</p> <p>17 MS. MILLER: Objection, asked and</p> <p>18 answered.</p> <p>19 THE WITNESS: I basically -- to tell my</p> <p>20 side of the story I had to request a meeting with</p> <p>21 whomever took the complaint.</p> <p>22 BY MR. LIVELY:</p> <p>23 Q. And did you get those meetings to tell your</p> <p>24 side of the story?</p> <p>25 A. Pretty much --</p>	<p style="text-align: right;">Page 117</p> <p>1 demoted you? Wherever you went, was it Mr. Watson that</p> <p>2 demoted you? Was he the motive force behind there?</p> <p>3 A. I can't honestly say that he was the force. I</p> <p>4 think it was a combination, everybody included.</p> <p>5 Because there's a lot -- as a manager you have to get</p> <p>6 the approval of HR. So it had to go all the way up to</p> <p>7 come back down.</p> <p>8 Q. Okay.</p> <p>9 A. He -- I think he was the -- the one who</p> <p>10 actually set it all in motion but I think it was a</p> <p>11 combination of approvals from Mr. Watson, Ms. Gotcher,</p> <p>12 and Ms. Melton's level.</p> <p>13 Q. Okay. And during this, and we'll just call it</p> <p>14 the demotion period, wherever you went and -- and my</p> <p>15 question is did you have the same job benefits, not</p> <p>16 wage but benefits during that time? You know, health</p> <p>17 insurance, that sort of thing.</p> <p>18 A. My benefits never changed.</p> <p>19 Q. Okay.</p> <p>20 A. Because those were pay options that I opted,</p> <p>21 so my bene -- I never changed my benefits.</p> <p>22 Q. Your wage changed.</p> <p>23 A. Right.</p> <p>24 Q. Now, part of your complaint is that you were</p> <p>25 retaliated against because of your right to free</p>

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<p style="text-align: right;">Page 118</p> <p>1 speech. If you'll take a look at 89, paragraph 89? 2 Well, just take a look at paragraph 87 through 93. 3 MS. MILLER: Of Exhibit No. 1? 4 MR. LIVELY: Huh? 5 MS. MILLER: Of Exhibit No. 1? 6 MR. LIVELY: Of Exhibit No. 1, correct. 7 MS. MILLER: It just makes it easier when 8 you're -- 9 MR. LIVELY: No, I understand. 10 MS. MILLER: -- (indiscernible) record. 11 MR. LIVELY: Right, right. No, you're 12 right. That's that sort of stuff we understand right 13 now but you look at it in six weeks, it's like what in 14 the hell was he talking about. 15 MS. MILLER: What exhibit. 16 THE WITNESS: Will you -- 17 BY MR. LIVELY: 18 Q. Yeah, just take a look at it, those paragraphs 19 on free speech, and let me know when you're through. 20 A. What paragraphs was it? 21 Q. Oh, I'm sorry. 22 A. 86, did you say 86 through? 23 Q. Right here, that page. 24 A. 87? 25 (Pause.)</p>	<p style="text-align: right;">Page 120</p> <p>1 change the subject to your claimed damages. Do you 2 have any idea about how much you're going to claim in 3 lost wages as a result of this alleged discrimination? 4 A. Undetermined amount. 5 MS. MILLER: You can explain it if you 6 can. You don't have a dollar amount, you still need to 7 explain how it will be figured if you can. 8 THE WITNESS: Oh, I thought he meant -- 9 Can you rephrase the question? 10 BY MR. LIVELY: 11 Q. Sure. Do you have a way of figuring -- do you 12 -- strike that. How do you intend to show that you 13 lost any wages as a result of these alleged 14 discriminatory practices? 15 A. Wages. I had a reduction in wage, which is an 16 undetermined amount. 17 Q. From the demotion? 18 A. Right. Mental anguish in the past, mental -- 19 Q. No, no, I'm sticking just to lost wages. 20 MS. MILLER: (Indiscernible) wages. 21 THE WITNESS: Okay. So wages. And can I 22 add the merit increase that I was forfeited because of 23 the demotion? 24 BY MR. LIVELY: 25 Q. Who would have approved you for a merit</p>
<p style="text-align: right;">Page 119</p> <p>1 A. I've read 87, 88 and 89. 2 Q. What free speech are you claiming you were 3 retaliated against by the defendants? 4 MS. MILLER: Objection, calls for a legal 5 conclusion. 6 THE WITNESS: Free speech is when I file 7 grievances, when I made verbal complaint. That's what 8 I mean free speech. 9 BY MR. LIVELY: 10 Q. Okay. Are you claiming you were discriminated 11 against because of your conversations with Mr. Watson 12 about Ms. Freeman's failure to get a transfer? 13 A. That's not -- no. That may be inclusive but 14 that's not what I'm referencing. 15 Q. Okay. You're referencing your complaints 16 about your problems with him, correct? 17 A. Correct. I'm referencing a discrimination, 18 how I was treated differently, received different 19 treatment, partial treatment than my peers which were 20 white nurse managers. 21 Q. Okay. And there was a -- you talked about a 22 statement by Ms. Kim Roddy about her breasts. What 23 race was Ms. Roddy? 24 A. She's white. 25 Q. Let's talk a little bit, I'm going to kind of</p>	<p style="text-align: right;">Page 121</p> <p>1 increase? During this period of time. 2 A. Merit increases, I don't know, is based on the 3 valuations and performance and disciplinaries. 4 Q. But who would make the decision on whether or 5 not you actually got one back at this time? 6 A. At that time I was actually reporting to Carol 7 Warren. 8 Q. Warren is? 9 A. W-A-R-R. 10 Q. Oh, Warr, okay. 11 A. E-N. 12 Q. Oh, Warren, okay. Do you know whether or not 13 you would have received this merit increase during this 14 period? 15 A. If I had not got the demotion, I would have 16 received a merit increase. 17 Q. And what leads you to believe that? 18 A. Because disciplinary, if you're under 19 disciplinary pro -- if you're in disciplinary, if you 20 had a disciplinary, you -- it forfeits you the 21 opportunity to receive the merit increase. I didn't 22 get it because I was in a demotion status. 23 Q. Did Ms. Warren ever tell you that you would 24 have gotten a merit increase but for the disciplinary 25 process?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. Ms. Warren didn't tell me, she gave me a 2 letter, which is standard that everybody gets sent, and 3 you are not -- you will not receive a merit increase 4 because, and it's checked demotion status. 5 Q. Okay. You started to mention about mental 6 anguish, which is -- how has this affected you from a 7 point of mental anguish? 8 A. It has -- emotional pain, it's caused a lot of 9 inconveniences, pretty much more worried than usual, 10 depression, unable to sleep, embarrassment. 11 Reputation, slander. 12 Q. Have you applied for any jobs outside UTMB? 13 A. In what timeframe? 14 Q. Since -- well, that's a good question. Since 15 2004. 16 A. Till when? 17 Q. Today. 18 A. I had one job interview. 19 Q. And where was that? 20 A. With Huntsville Independent School District. 21 Q. As a school nurse? 22 A. It was some -- I can't exactly remember the 23 title now. 24 Q. When did you apply for that job? 25 A. Just within the last -- it was, what, '09,</p>	<p style="text-align: right;">Page 124</p> <p>1 exact title of the job but that's -- 2 Q. Okay. And why did you apply with the 3 Huntsville ISD? 4 A. Basically because even though the demotion 5 part, that part is over, there are still time to time 6 that I still feel like I'm subjected to some 7 retaliation and harassment. 8 Q. And where at in the Huntsville ISD job process 9 are you? Have you been -- 10 A. I was offered the job and declined it because 11 of salary. 12 Q. Okay. I presume it paid less than what you're 13 making. 14 A. Way less. 15 Q. Okay. 16 A. Not (indiscernible). 17 Q. Have you applied anywhere else? 18 A. No, sir. It was almost half of the salary 19 that I make now, so I really couldn't afford to take 20 it. 21 Q. My wife's a school teacher, so 22 (indiscernible). Have you sought any medical treatment 23 or health care treatment from a psychologist, a pastor, 24 priest, counselor of any sort for any of the mental 25 anguish you're claiming in this lawsuit?</p>
<p style="text-align: right;">Page 123</p> <p>1 within '09, if I'm not mistaken. 2 Q. How far along in the process did you get, did 3 you -- 4 A. The process for me, we were complete. The 5 process as far as the demotion was finished. 6 Q. During the period of your demotion you made an 7 application? 8 A. No. 9 Q. Okay. I'm confused. 10 MS. MILLER: Would you rephrase the 11 question? She thinks you're talking process of, her 12 process at UTMB. You're asking about the process of 13 the application -- 14 MR. LIVELY: Yes. 15 MS. MILLER: -- (indiscernible), correct? 16 MR. LIVELY: Yeah. 17 MS. MILLER: Okay. 18 BY MR. LIVELY: 19 Q. When -- well, let me phrase it. Just so I'm 20 clear, you applied for a job at Huntsville Independent 21 School District, correct? 22 A. Correct. 23 Q. And what job did you apply for? 24 A. It was actually not a school nurse per se but 25 it was a health science teacher. I can't remember the</p>	<p style="text-align: right;">Page 125</p> <p>1 A. What timeframe? 2 Q. Well, since 2004. 3 A. I have records that I went to the doctor again 4 back in '06-'07 for health reasons and depression. 5 Q. For health reasons other than the mental 6 anguish? 7 A. Yes. 8 (Pause.) 9 MS. MILLER: That's -- 10 MR. LIVELY: Huh? 11 MS. MILLER: That's the construction. 12 MR. LIVELY: Okay. 13 MS. MILLER: We've lived this for a year 14 now, and it's almost over, thank God. 15 Please don't put that on the record. 16 BY MR. LIVELY: 17 Q. There are some documents that were provided to 18 us today by your attorney dealing with a Charlene 19 Jordan. 20 A. Yes, sir. 21 Q. What -- did you have a problem with Ms. 22 Jordan? 23 A. Actually what surrounded that about Ms. 24 Jordan, Ms. Jordan was a fairly new employee that had 25 only been working for me for a short period of time.</p>

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<p>1 We had received an -- well, I had received an email 2 from my boss stating that, you know, we really needed 3 to watch the overtime, utilize the staff, you know, if 4 they were requesting vacations, and you really couldn't 5 let them off because of staffing or budget-wise, that, 6 you know, we should encourage people to take different 7 -- take -- to request time off at a different time. 8 Ms. Jordan, which was a fairly new employee, had put in 9 a leave request to be off, and I can't even remember 10 what days. But I scheduled -- the way it's set up, we 11 are required to a schedule to my supervisor by the 15th 12 of every month. So by the 10th of every month I 13 request all employees to have their leave request 14 submitted to me for that month. Ms. Jordan submitted a 15 leave request on the 17th, which was after the schedule 16 was posted, to go back to Oklahoma to have some work 17 done on her house. So I spoke to my supervisor prior 18 to denying the request and said she put it in after, 19 it's nothing urgent. And actually when talking to Ms. 20 Jordan, the damage to her house occurred during 21 Hurricane Ike, which was prior in months before she 22 even started work there. So I told her that she really 23 needed to pick, you know, pick different days, I 24 couldn't let her off, that, you know, the leave request 25 was due. So she pretty much told me that she was</p>	<p>1 Q. -- dated May 6, 2009, to a Peggy L. McCleskey, 2 M-C-C-L-E-S-K-E-Y. You want to take a look at that? 3 MS. MILLER: Why don't we make it part of 4 the record and I'll get you a whole different set. 5 MR. LIVELY: Okay. Okay. 6 MS. MILLER: Is that all right? 7 MR. LIVELY: Sure, sure. 8 MS. MILLER: Since it's -- 9 MR. LIVELY: You want to just mark it? 10 MS. MILLER: -- (indiscernible) before 11 today. 12 MR. LIVELY: Why don't you stick that on 13 -- do you want to just do that letter or? 14 THE WITNESS: Ms. Miller. 15 MS. MILLER: Oh. That's fine. 16 MR. LIVELY: Just that letter or the 17 whole thing? 18 MS. MILLER: Yes, I'll let the whole 19 thing. 20 MR. LIVELY: Okay, just stick that on 21 that. 22 MS. MILLER: You can separate it, pull it 23 out. 24 MR. LIVELY: Let's pull this out. 25 MS. MILLER: And I'll get -- well, just</p>
Page 127	Page 129
<p>1 calling my supervisor, which -- 2 Q. Who was that? 3 A. Ms. Jordan, which is now Ms. Upshaw. 4 Q. Okay, that's -- 5 A. Which that's why if they ever -- they allow 6 disloyalty, they encourage, it's encouraged the 7 employees to be disloyal and vice-versa, to 8 supervisors. So she called her, and Ms. Upshaw decided 9 that if I wouldn't give her the days off, that she 10 would move into another unit. And so she was moved to 11 another unit. 12 Q. What unit was she moved to? 13 A. The Huntsville Unit. 14 Q. Are you involved in the Huntsville Unit? 15 A. No, sir. That's another nurse manager. 16 Q. So does Ms. Jordan work for you at all now? 17 A. No. Ms. Jordan works for Ms. Pipkin now. 18 Q. What race is Ms. Upshaw? 19 A. She's white. 20 Q. And Ms. Jordan? 21 A. She's white. 22 (Pause.) 23 Q. There's also included her an email -- I'll be 24 happy to show it to you but -- 25 A. Okay.</p>	<p>1 tell me the bates numbers you need to be replaced. 2 MR. LIVELY: Okay. It's bates stamped 3 I'm just going to say 55, 56. 55 and 56. 4 MS. MILLER: 55 and 56. Anything else? 5 That's it? 6 MR. LIVELY: No, that will be it. 7 (Deposition Exhibit No. 2 marked.) 8 BY MR. LIVELY: 9 Q. Okay, what happened there? 10 A. This appears that a email that I sent out 11 to -- 12 Q. McCleskey? 13 A. -- Wynne and Ellis staff. If you back up, I 14 sent it out to both -- both Wynne and Ellis employees. 15 And the subject is staff improvement, and it's from me 16 to them but allowing them an opportunity to rate how 17 they feel about me as a supervisor. 18 I said, "I would like for input for staff 19 improvement. I would like for you to be honest. (I 20 won't hold it against you.) How am I doing as your 21 supervisor? What would you do different if you were in 22 my position? What can I do to improve as a manager? 23 Please take some time this week to help. I won't give 24 you a due date, and you don't have to respond if you do 25 not choose to but it would help me to help you.</p>

33 (Pages 126 to 129)

Jackie Fisher

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<p style="text-align: right;">Page 130</p> <p>1 Thanks."</p> <p>2 Q. Okay.</p> <p>3 A. And she --</p> <p>4 Q. Replied.</p> <p>5 A. In positive ways.</p> <p>6 Q. Okay. Did -- in case of employee nursing</p> <p>7 shortages, UTMB will bring in contract labor from</p> <p>8 staffing agencies.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Isn't that right?</p> <p>11 A. Correct.</p> <p>12 Q. And these are outside private employers that</p> <p>13 UTMB can call and say, look, we're short three nurses</p> <p>14 because of the flu and we need you to to send somebody</p> <p>15 out. Is --</p> <p>16 A. Correct.</p> <p>17 Q. Did you ever have any problems yourself with</p> <p>18 staffing agencies?</p> <p>19 A. Myself with staffing agencies, no. But with</p> <p>20 them being able to provide as many nurses that we need</p> <p>21 to staff the place, yes.</p> <p>22 Q. Did you ever become aware that there were</p> <p>23 complaints from staffing agencies about you that they</p> <p>24 heard from the staffing agency employees?</p> <p>25 A. According to Mr. Watson, but none were able to</p>	<p style="text-align: right;">Page 132</p> <p>1 -- back at the Wynne Unit as a nurse manager, have you</p> <p>2 received any raises?</p> <p>3 A. Yes, I have.</p> <p>4 Q. Have you been denied any raises?</p> <p>5 A. No, I haven't.</p> <p>6 Q. And you are claiming loss of enjoyment of life</p> <p>7 in this lawsuit. How has the matters you've alleged in</p> <p>8 your lawsuit caused you to suffer loss of enjoyment of</p> <p>9 life?</p> <p>10 A. Depression, fatigue, more worrying than</p> <p>11 normal, stress.</p> <p>12 Q. Are you taking any sort of prescription</p> <p>13 medication for any of these problems?</p> <p>14 A. I'm currently not.</p> <p>15 Q. Have you ever?</p> <p>16 A. I was given a prescription back during the</p> <p>17 initial demotion.</p> <p>18 Q. Okay. And who gave you the prescription?</p> <p>19 A. Dr. Hulme, H-U-L-M-E I think that's how --</p> <p>20 Q. H-U?</p> <p>21 A. U-L-M-E.</p> <p>22 Q. Is he a medical doctor?</p> <p>23 A. Actually he's an Ob/Gyn doctor.</p> <p>24 Q. Okay. What did he prescribe?</p> <p>25 A. I want to say -- if I can look at those</p>
<p style="text-align: right;">Page 131</p> <p>1 be validated.</p> <p>2 Q. Did you ever attend -- did you ever talk with</p> <p>3 a staffing agency person with Mr. Watson there?</p> <p>4 A. Over the phone we talked to a guy named</p> <p>5 Allison, I think Brian Allison.</p> <p>6 Q. What was the result of that conversation?</p> <p>7 What do you remember about that conversation?</p> <p>8 A. Pretty much Mr. Watson kind of steered the</p> <p>9 conversation in the way that he wanted to go to pretty</p> <p>10 much say that -- was questioning the guy to say why is</p> <p>11 it that we can't -- Mr. Watson was alluding during the</p> <p>12 whole conversation that we were not able to staff</p> <p>13 Estelle, which is where I was at the time, because of</p> <p>14 myself. That's pretty much the way he was steering the</p> <p>15 conversation. And he actually told the guy that if</p> <p>16 they had any -- any -- you know, if they needed to</p> <p>17 contact anybody at the Estelle Unit, for him to contact</p> <p>18 the assistant nurse managers instead of myself. And</p> <p>19 just to give you some history on that, the same agency,</p> <p>20 which was supplemental, we still use them now, they</p> <p>21 still have a problem staffing our unit, they still have</p> <p>22 a problem staffing Estelle's unit. So even though the</p> <p>23 allusions were made, the same problem still presents</p> <p>24 throughout the Huntsville cluster.</p> <p>25 Q. I don't remember if I asked you. Since you've</p>	<p style="text-align: right;">Page 133</p> <p>1 documents, I can tell you. I think it's Lexapro. If</p> <p>2 it's in here.</p> <p>3 Q. Did you fill the prescription of whatever it</p> <p>4 was?</p> <p>5 A. He gave me lots and lots of samples.</p> <p>6 Q. Okay.</p> <p>7 A. So I took -- I want to say Lexapro. (Pause.)</p> <p>8 I think it's -- I think. I'm not quite sure, I can't</p> <p>9 honestly say that was the name of it.</p> <p>10 Q. I guess my question was did you ever go out</p> <p>11 and fill a prescription or did you just rely on</p> <p>12 samples?</p> <p>13 A. I think I got one prescription filled, if I</p> <p>14 can recall correctly. Because I had a whole bag of</p> <p>15 samples. I mean --</p> <p>16 Q. Did you finish taking the samples and the</p> <p>17 prescription?</p> <p>18 A. I took the samples. If I recall correctly, I</p> <p>19 finished all of what I had.</p> <p>20 Q. I had being the prescription as well?</p> <p>21 A. Correct.</p> <p>22 Q. And how many times did you -- I guess -- I'm</p> <p>23 about to strike that. Have you seen any other health</p> <p>24 care provider about loss of enjoyment of life for</p> <p>25 mental anguish other than Dr. Hulme?</p>

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<p style="text-align: right;">Page 134</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. Did I say his name right?</p> <p>3 A. Wrong.</p> <p>4 Q. Hokeybanphonics (phonetic), it worked for me.</p> <p>5 Have you applied for any positions with UTMB that</p> <p>6 you've been denied?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you lost any promotions, not merit</p> <p>9 increases but promotions at UTMB?</p> <p>10 A. I haven't applied for any promotions.</p> <p>11 Q. Okay. Have you applied for any transfers that</p> <p>12 have been denied?</p> <p>13 A. I haven't applied for any transfers.</p> <p>14 Q. Are you currently satisfied with your job at</p> <p>15 the Wynne Unit?</p> <p>16 A. That's a big question. I have mixed -- that's</p> <p>17 a two-fold. I'd have to say yes and no.</p> <p>18 Q. Okay. In what way is your current position at</p> <p>19 Wynne unsatisfactory?</p> <p>20 A. Actually I really do not feel that there's any</p> <p>21 loyalty as far as people supporting me in doing my job.</p> <p>22 I always feel like there's an undercurrent looking for</p> <p>23 pitfalls in my performance. I definitely feel the</p> <p>24 constant sabotage of my reputation and relationship</p> <p>25 with my employees. And dishonesty and just distrust</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Okay. And then one prescription?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you know where you filled that</p> <p>4 prescription?</p> <p>5 A. It would have either been Walgreen's or</p> <p>6 Eckert's in Huntsville. Those are just where I live.</p> <p>7 Q. Okay. The next thing is are there any other</p> <p>8 episodes of racial discrimination or retaliation that</p> <p>9 you plan to tell the jury about that we haven't</p> <p>10 discussed today?</p> <p>11 MS. MILLER: That's a nefarious question.</p> <p>12 You're asking her to -- objection, nefarious question.</p> <p>13 If you can recall. Everything -- what he said.</p> <p>14 Whatever you can recall. If you can't recall or</p> <p>15 there's something that you've forgotten --</p> <p>16 THE WITNESS: Is there any --</p> <p>17 MS. MILLER: -- or you remember later.</p> <p>18 THE WITNESS: Rephrase it for me.</p> <p>19 BY MR. LIVELY:</p> <p>20 Q. Are there any episodes of racial</p> <p>21 discrimination or retaliation by the defendants in this</p> <p>22 lawsuit that you plan to tell the jury but that we</p> <p>23 haven't discussed already today in your deposition?</p> <p>24 A. Now --</p> <p>25 MS. MILLER: Objection as to episodes.</p>
<p style="text-align: right;">Page 135</p> <p>1 the relationships.</p> <p>2 Q. With whom?</p> <p>3 A. With pretty much my supervisors.</p> <p>4 Q. Which would be?</p> <p>5 A. My immediate supervisor is Judy Upshaw and</p> <p>6 Mary Gotcher is pretty much up the chain of command.</p> <p>7 MR. LIVELY: Why don't we take a little</p> <p>8 break because I'm about --</p> <p>9 MS. MILLER: Okay.</p> <p>10 MR. LIVELY: -- about through.</p> <p>11 (Off the record.)</p> <p>12 (On the record.)</p> <p>13 BY MR. LIVELY:</p> <p>14 Q. Ms. Fisher, one -- do you -- have you -- do</p> <p>15 you have any bills or sums for any medical expenses</p> <p>16 that you are claiming to have incurred as a result of</p> <p>17 the actions or omissions of the defendants in this</p> <p>18 lawsuit?</p> <p>19 A. The only thing is the co-pays in the doctor</p> <p>20 visits.</p> <p>21 Q. Do you know how many doctor visits you may</p> <p>22 have had related to things related to your lawsuit?</p> <p>23 A. One, maybe two.</p> <p>24 Q. Visits with Dr. Hulme?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 137</p> <p>1 THE WITNESS: Now, we didn't discuss each</p> <p>2 one of my grievances in details, but I'm sure -- that</p> <p>3 should be included because that was all during my</p> <p>4 initial demotions.</p> <p>5 BY MR. LIVELY:</p> <p>6 Q. Right.</p> <p>7 A. I have filed a grievance, I think one since</p> <p>8 the demotion but that would be up to my attorney to</p> <p>9 decide if we're going to use that or not.</p> <p>10 Q. Is that grievance -- do you think the actions</p> <p>11 that led to that grievance were racially motivated?</p> <p>12 A. I think it's a more retaliatory and just</p> <p>13 harassment.</p> <p>14 Q. And who undertook the actions that led to the</p> <p>15 grievance?</p> <p>16 A. It was a combination of what led up to the</p> <p>17 grievance.</p> <p>18 Q. No, who. Who did the actions that led to the</p> <p>19 grievance?</p> <p>20 A. Well --</p> <p>21 Q. Ms. Upshaw?</p> <p>22 A. It was -- it was actually all involved was Ms.</p> <p>23 Upshaw and HR.</p> <p>24 Q. And I think that may have been part and parcel</p> <p>25 of what you supplied us today?</p>

35 (Pages 134 to 137)

Jackie Fisher

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<p>1 A. I think so, that's --</p> <p>2 Q. Because I'm trying to --</p> <p>3 A. -- why I said it. No, this letter -- yes,</p> <p>4 this letter is not the grievance, this letter is that</p> <p>5 one of my employees called Ms. Upshaw and complained</p> <p>6 about me. Instead of her calling me to find out what</p> <p>7 my side of the story --</p> <p>8 Q. Ms. Upshaw.</p> <p>9 A. Right. She basically just assumed that I had</p> <p>10 did what the employee said I did, and then after I</p> <p>11 talked to her --</p> <p>12 Q. Her?</p> <p>13 A. Ms. Upshaw. -- she realized that that was far</p> <p>14 by the truth. So this is -- she came to the unit and</p> <p>15 apologized to me, so this is just with Ms. Upshaw. So</p> <p>16 this is just my email to her thanking her for coming</p> <p>17 over apologizing to me, and hoping that we could have,</p> <p>18 you know, open up our lines of communication.</p> <p>19 Q. Okay.</p> <p>20 A. So that's not the grievance.</p> <p>21 Q. Let me show you -- there you go.</p> <p>22 A. That is the grievance.</p> <p>23 Q. Okay. And what we're looking at, bates</p> <p>24 stamped -- I apolo --</p> <p>25 MS. MILLER: We'll get you another. What</p>	<p>1 there?</p> <p>2 MS. MILLER: Didn't he ask you about this</p> <p>3 one?</p> <p>4 THE WITNESS: That's the one I just got</p> <p>5 through explaining.</p> <p>6 MS. MILLER: Okay.</p> <p>7 THE WITNESS: Can we make that one?</p> <p>8 MR. LIVELY: Yeah, we'll make -- why</p> <p>9 don't you mark that one 4 real quick.</p> <p>10 (Deposition Exhibit No. 4 marked.)</p> <p>11 MS. MILLER: What number is that?</p> <p>12 MR. LIVELY: That's 52. So 52, 55, 56,</p> <p>13 58 and 59.</p> <p>14 MS. MILLER: Let me call and stop them</p> <p>15 right now because if they're reading my email they're</p> <p>16 going to (indiscernible) two pages.</p> <p>17 MR. LIVELY: Okay.</p> <p>18 MS. MILLER: Then we'll have to do it</p> <p>19 again.</p> <p>20 THE WITNESS: Now, this is the response</p> <p>21 to the grievance. This is -- this is actually the</p> <p>22 grievance, that's the response.</p> <p>23 MR. LIVELY: Okay. Well, I'm not -- I'm</p> <p>24 trying to --</p> <p>25 MS. MILLER: Unless he asks you about</p>
Page 139	Page 141
<p>1 pages are they (inaudible). Right now you need to</p> <p>2 (indiscernible).</p> <p>3 MR. LIVELY: This would be 58, 59.</p> <p>4 MS. MILLER: 58 and 59?</p> <p>5 MR. LIVELY: Yeah.</p> <p>6 MS. MILLER: Okay.</p> <p>7 MR. LIVELY: There's -- we'll mark that</p> <p>8 as whatever, 3?</p> <p>9 COURT REPORTER: (Inaudible.)</p> <p>10 (Deposition Exhibit No. 3 marked.)</p> <p>11 THE WITNESS: Mr. Lively, could I see</p> <p>12 that packet again, please? Let me ask you a question.</p> <p>13 (Attorneys confer.)</p> <p>14 THE WITNESS: May I see that packet</p> <p>15 again?</p> <p>16 MR. LIVELY: Oh, sure.</p> <p>17 MS. MILLER: We talked about the one but</p> <p>18 we didn't put it in. It's in here.</p> <p>19 MR. LIVELY: You lost me.</p> <p>20 MS. MILLER: There was another email you</p> <p>21 talked about.</p> <p>22 MR. LIVELY: Yeah. It's right here.</p> <p>23 MS. MILLER: McCleskey or something.</p> <p>24 MR. LIVELY: Yeah, that's --</p> <p>25 THE WITNESS: Can we put that one in</p>	<p>1 (indiscernible).</p> <p>2 (All speak at once.)</p> <p>3 MS. MILLER: -- emails. (Speaks on</p> <p>4 phone.)</p> <p>5 MR. LIVELY: And 37 through 40.</p> <p>6 MS. MILLER: (Speaks on phone.)</p> <p>7 THE WITNESS: 41.</p> <p>8 MR. LIVELY: Through 41. I'm sorry, 41.</p> <p>9 MS. MILLER: (Speaks on phone.)</p> <p>10 Anything else?</p> <p>11 MR. LIVELY: No, I think that's it. And</p> <p>12 I'm going to be real --</p> <p>13 MS. MILLER: (Speaks on phone.)</p> <p>14 MR. LIVELY: Now, that's service. Okay.</p> <p>15 BY MR. LIVELY:</p> <p>16 Q. Exhibit 4 was talking about the episode where</p> <p>17 you and Ms. Shaw (sic) worked it out. Ms. Upshaw I</p> <p>18 mean, correct?</p> <p>19 A. Yes, sir.</p> <p>20 (Deposition Exhibit No. 5 marked.)</p> <p>21 Q. Exhibit 5 is a grievance you filed, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And then back of page -- well, page bates</p> <p>24 stamp 41, last page of Exhibit 5, was an addendum to</p> <p>25 the grievance? Because there wasn't enough room, I</p>

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<p style="text-align: right;">Page 142</p> <p>1 guess, or. Let me ask you this. Let me strike the 2 question. Is Exhibit 5 the grievance you filed? 3 A. It's the cover sheet to the grievance I filed, 4 correct. 5 Q. Okay. And what about -- what is page? 6 A. Okay. This is how it goes. 7 Q. Okay. 8 MS. MILLER: Refer to the page number, 9 so -- 10 THE WITNESS: Okay. Page No. 38 was a 11 letter that I received from Ms. Upshaw stating "this 12 letter serves," and then this is the grievance. 13 MR. LIVELY: Okay, we'll mark it then. 14 (Deposition Exhibit No. 6 marked.) 15 BY MR. LIVELY: 16 Q. Exhibit 6 is a letter you received from your 17 supervisor, Ms. Upshaw, correct? 18 A. Right. 19 Q. Exhibit 5 is the grievance that you filed in 20 response to Exhibit 6, the letter. 21 A. Correct. 22 Q. And Exhibit 5 is bates stamps 37, 39, 40 and 23 41, correct? 24 A. Correct. 25 Q. Okay. And then Exhibit 3, what is that?</p>	<p style="text-align: right;">Page 144</p> <p>1 follow-up questions. 2 EXAMINATION 3 BY MS. MILLER: 4 Q. Merit increases, there was -- since your 5 tenure began at UTMB how many years have you not 6 received a merit increase? 7 A. Oh. The one during the demotion phase and 8 there were some years that they didn't award merit 9 increases, and I'm not sure exactly how many. 10 Q. In the years that other employees received 11 merit increases were there -- other than the year of 12 the demotion were you ever excluded from a merit 13 increase? 14 A. No. 15 MS. MILLER: Okay. I'll reserve the rest 16 of mine for trial. Off. 17 MR. LIVELY: Yes. 18 (Whereupon the deposition was concluded) 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 143</p> <p>1 A. That's the response to this, the grievance. 2 Q. Okay. Here's the letter that -- Exhibit 6 is 3 the letter that -- 4 MS. MILLER: That letter's backwards. 5 BY MR. LIVELY: 6 Q. Exhibit 6 is -- 7 MS. MILLER: (Indiscernible) backward. 8 BY MR. LIVELY: 9 Q. -- is the letter that triggered the grievance. 10 A. Correct. 11 Q. Exhibit 5 is the grievance. 12 A. Correct. 13 Q. Then Exhibit 3 is the UTMB or Ms. Upshaw's 14 response to your grievance, correct? 15 A. Correct. 16 Q. Okay. That's all we need. Attorney fees. 17 Have you actually paid any money in attorney fees or is 18 this a contingency fee arrangement? 19 A. It's a contingency arrangement. 20 Q. Have I been courteous to you today? 21 A. Yes, sir. 22 Q. Okay. I haven't made you cry, have I? 23 A. I don't cry that easy. 24 MR. LIVELY: I'm done. 25 MS. MILLER: Okay, I just have a couple</p>	<p style="text-align: right;">Page 145</p> <p>1 CHANGES AND SIGNATURE 2 PAGE/LINE CHANGE REASON 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>

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Jackie Fisher

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1 I hereby certify that I have read the
2 foregoing deposition, and that this deposition,
3 together with my corrections, is a true and correct
4 record of my testimony given at this deposition.

5 Jackie Fisher
6 THE STATE OF _____
7 COUNTY OF _____

8 Before me, _____, on the day
9 personally appeared JACKIE FISHER, known to me (or
10 proved to me under oath or through _____)
11 to be the person whose name is subscribed to the
12 foregoing instrument and acknowledged to me that they
13 executed the same for the purposes and consideration
14 therein expressed.

15 Given under my hand and seal of office this
16 _____ day of _____, A.D. 2009.

17 _____
18 Notary Public
19 In and for the State of _____
20 My Commission Expires _____
21
22
23
24
25

1 interested in the outcome of the action.
2 Sworn to by me this _____ day of
3 _____, 2009.
4

5 _____
6 Angelica Rodriguez
7 Notary Public, #12613809-0
8 My Commission Expires 06-07-2011
9 Integrity Legal Support Solutions
10 114 West 7th Street, Suite 240
11 Austin, Texas 787801
12 (512) 320-8690
13
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Page 147

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 JACKIE FISHER, *
5 Plaintiff *
6 *
7 CIVIL ACTION NO.
8 v. *
9 4:08-CV-01273
10 *
11 UNIVERSITY OF TEXAS *
12 MEDICAL BRANCH and DAVID *
13 WATSON, *
14 Defendants *

15 REPORTER'S CERTIFICATE
16 DEPOSITION OF JACKIE FISHER
17 TAKEN ON AUGUST 26, 2009

18 I, Angelica Rodriguez, Notary Public in and
19 for the State of Texas, hereby certify to the
20 following:

21 That the witness, JACKIE FISHER, was duly
22 sworn by the officer and that the transcript of the
23 oral deposition is a true record of the testimony given
24 by the witness;

25 That the deposition transcript was submitted
on _____ to the witness or to the attorney for
examination, signature, and return to Integrity Legal
Support Solutions by _____;

That the amount of time used by each party at
the deposition is as follows:

Mr. Sam Lively - 3 hours, 4 minutes
Ms. Jo Miller - 1 minute

That \$ _____ is the deposition officer's
charges for preparing the original deposition
transcript and any copies of exhibits, charged to
Defendants.

That, pursuant to information given to the
deposition officer at the time said testimony was
taken, the following includes all parties of record;

Ms. Jo Miller, Attorney for Plaintiff;
Mr. Sam Lively, Attorney for Defendant

I further certify that I am neither counsel
for, related to, nor employed by any of the parties in
the action in which this proceeding was taken, and
further that I am not financially or otherwise

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Integrity Legal Support Solutions
512-320-8690 or www.integrity-texas.com